

***Case No COMP/M.6352 -
VITOL/ VTTI/ ARCLIGHT/
PETRO LUX***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 26/10/2011

***In electronic form on the EUR-Lex website under document
number 32011M6352***



EUROPEAN COMMISSION

Brussels, 26/10/2011
C(2011)7854

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.6352 - VITOL/ VTTI/ ARCLIGHT/ PETRO LUX
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

- (1) On 26.09.2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Vitol B.V. ("Vitol", The Netherlands), a company controlled by Vitol Holding II SA (Luxembourg), and VTTI B.V. ("VTTI", The Netherlands), a company jointly controlled by Vitol and MSCI SDN. BHD ("MTTI", Malaysia), the latter being in turn indirectly controlled by Petroliam nasional Berhad ("Petronas", Malaysia), together with ArcLight Energy Partners Fund IV L.P. ("ArcLight", U.S.A.) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Petro Lux S.à.r.l. ("Petro Lux", Luxembourg), the ultimate mother company of Petrotank Neutrale Tanklager GmbH ("Petrotank", Deutschland), by way of purchase of shares².

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

² Publication in the Official Journal of the European Union No C 292, 05.10.2011, p.10

- (2) The business activities of the undertakings concerned are:
- for Vitol: independent trading of various commodities and financial instruments relating in particular to the oil and gas sector.
 - for VTTI: ownership and operation of a network of petroleum products terminals.
 - for ArcLight: investments in the energy industry.
 - for Petrotank: storage and handling of mineral oil products and other liquid products.
- (3) After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(a) and (c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/20043.
- (4) For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission
(signed)
Alexander ITALIANER
Director General

³ OJ C 56, 5.3.2005, p. 32.