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*Case No COMP/M.6478 -
MITSUBISHI
CORPORATION /
MAXINGVEST / ML
PARTICIPAÇÕES /
PARAGUAÇU
PARTICIPAÇÕES /
FRIELE / IPANEMA*

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 19/03/2012

*In electronic form on the EUR-Lex website under document
number 32012M6478*



EUROPEAN COMMISSION

Brussels, 19.03.2012
C(2012) 1958

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

Subject: Case No COMP/M.6478 - MITSUBISHI CORPORATION / MAXINGVEST / ML PARTICIPAÇÕES / PARAGUAÇU PARTICIPAÇÕES / FRIELE / IPANEMA
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004¹

1. On 13 February 2012, the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Mitsubishi Corporation ("MC", Japan), Tchibo (Austria) Holdings GmbH ("Tchibo Austria", Austria) controlled by Maxingvest ag ("Maxingvest", Germany), ML Participações S/A ("ML", Brazil), Paraguaçu Participações LTDA ("PP", Brazil) and Friele Brazil AS ("Friele"), ultimately controlled by the Friele family (Norway), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertakings Ipanema Agrícola S/A and Ipanema Comercial e Exportadora S/A (together, "Ipanema", Brazil) by way of purchase of shares.

The business activities of the undertakings concerned are:

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.

- for MC: general trading activities in various industries including energy, metals, machinery, chemicals, food and general merchandise,
 - for Tchibo Austria: manufacture and distribution of roasted coffee, other coffee products, and a range of other non-food consumer goods and services. Tchibo Austria is a subsidiary of Maxingvest, a company which is mainly active in the supply of consumer goods and services.
 - for ML: investment vehicle for individuals, for the purpose of investment in Ipanema.,
 - for PP: investment vehicle for individuals, for the purpose of investment in Ipanema,
 - for Friele: investment vehicle for Frico Invest AS, for the purpose of investment in Ipanema, and
 - for Ipanema: the growing, processing, producing, marketing and selling of green coffee beans and roasted coffee.²
2. 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) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.³
 3. 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

² OJ C 52, 22.2.2012, p. 15.

³ OJ C 56, 5.3.2005, p. 32.