

***Case No COMP/M.6608 - TEREOS/ WILMAR/ JV***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 11/07/2012

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EUROPEAN COMMISSION

Brussels, 11.7.2012  
C(2012) 4996 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying party(ies):**

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

**Subject: Case No COMP/M.6608 - TEREOS/ WILMAR/ JV  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No  
139/2004<sup>1</sup>**

1. On 14 June 2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Syral China Investment (Belgium), belonging to the Tereos group ('Tereos', France), and Yihai Kerry Investments Co. Ltd (China), belonging to the Wilmar group ('Wilmar', Singapore) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a newly created company constituting a joint venture (the 'JV', China) by way of purchase of shares<sup>2</sup>.
2. The business activities of the undertakings concerned are:

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<sup>1</sup> 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.

<sup>2</sup> Publication in the Official Journal of the European Union No C 182, 22.6.2012, p. 12.

- for Tereos: processing of sugar beet and sugar cane, alcohols and bioethanol, starches and co-products for animal feed and electrical power,
  - for Wilmar: processing and merchandising of oil palm products, specialty fats, edible oils, oleochemicals and grains, oilseeds crushing and biodiesel manufacturing,
  - for the JV: production and sale of food ingredients, natural food additives and bio-feed in China and South East Asia.
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) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>3</sup>.
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*

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<sup>3</sup> OJ C 56, 5.3.2005, p. 32.