

***Case No COMP/M.6617 - TRAFIGURA/
BAYCLIFFE/ BLUE OCEAN***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 25/06/2012

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EUROPEAN COMMISSION

Brussels, 25.06.2012
C(2012)4409

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties

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

**Subject: Case No COMP/M.6617 - TRAFIGURA/ BAYCLIFFE/ BLUE OCEAN
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 29.05.2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Baycliffe Limited ("Baycliffe", Isle of Man) and Trafigura Beheer B.V. ("Trafigura", The Netherlands) acquire within the meaning of Article 3(1)(b) of the Merger Regulation indirect joint control of Blue Ocean Associates Limited, ("Blue Ocean", UK) and Baycliffe intends to acquire also within the meaning of Article 3(1)(b) of the Merger Regulation sole control of two subsidiaries of Blue Ocean, Blue Ocean International Limited ("BOIL") and Blue Ocean Mineralol GmbH ("BOG").

The business activities of the undertakings concerned are:

- Blue Ocean: blending, marketing and distribution of diesel and gasoline products to retail and commercial customers; trading and marketing of petrochemical by-products;
- Baycliffe: investment firm involved in radio broadcasting, coffee/food retail, on-line recruitment, disaster recovery services, aircraft leasing and mobile telecommunications;

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.

- Trafigura: trading of physical commodities, sourcing and trading of crude oil, petroleum products, renewable fuels, non-ferrous concentrates and refined metals.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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
 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 Publication in the Official Journal of the European Union No C 158, 05.06.2012, p. 28

³ OJ C 56, 5.3.2005, p. 32.