

Case No COMP/M.6903 - RWA/ GENOL

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

Article 6(1)(b) NON-OPPOSITION
Date: 23/08/2013

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EUROPEAN COMMISSION

Brussels, 23.08.2013
C(2013)5578

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

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

**Subject: Case No COMP/M.6903 - RWA/ GENOL
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004¹**

1. On 25 July 2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking RWA Raiffeisen Ware Austria AG ("RWA", Austria), jointly controlled by BayWa Aktiengesellschaft ("BayWa", Germany) and RWA Raiffeisen Ware Austria Handel und Vermögensverwaltung eGen, Vienna ("RWA Genossenschaft", Austria) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of GENOL Gesellschaft m.b.H & Co KG ("GENOL", Austria) by way of contract of management.²
2. The business activities of the undertakings concerned are:
 - RWA: distribution of agricultural products (e.g. crop, oilseeds, wood), farm inputs (seeds, crop protection products, fertilizers, feeding stuff) and consumer products (esp. building materials and home and gardening equipment),

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 220, 01/08/2013, p.29.

- BayWa: wholesale and retail sale of agricultural products and commodities as well as consumer goods and energy (such as solid and liquid fuels, heating oil and renewables),
 - RWA Genossenschaft: agricultural cooperative which is not controlled by third parties and which acts as a mere holding without operational activities on the market,
 - GENOL: distribution of heating oil, motor fuels and related products (such as lubricants) and other fuels (in particular, coal, wood pellets and firewood).
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(d) 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.