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***Case No COMP/M.6987 - BP EUROPA/ GRUPA LOTOS/  
LOTOS TANK***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 11/10/2013

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## EUROPEAN COMMISSION

Brussels, 11/10/2013  
C(2013) 6862 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

### **To the notifying party:**

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

**Subject: Case No COMP/M.6987 – BP EUROPA/ GRUPA LOTOS/ LOTOS TANK  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No  
139/2004<sup>1</sup>**

1. On 16.09.2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which BP Europa SE ("BP Europa", Poland), an indirect subsidiary of BP plc ("BP, United Kingdom") and Grupa Lotos S.A. ("Grupa Lotos", Poland) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over Lotos Tank Sp. Z.o.o. ("Lotos Tank", Poland), currently wholly owned by Grupa Lotos, by way of a purchase of shares<sup>2</sup>.
2. The business activities of the undertakings concerned are:
  - for BP: exploration, development and production of oil and gas, in the refining, manufacturing and marketing of oil products and petrochemicals and in the development of renewable energies;
  - for Grupa Lotos: ultimate parent company of a group of undertakings active in the production and processing of crude oil and in the wholesale and retail of petroleum products;

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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 275, 24/09/2013, p. 12-13

- for Lotos Tank: wholesale and into-plane supply of jet fuel.

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*  
*(Signe)*  
*Alexander ITALIANER*  
*Director General*

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