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***Case No COMP/M.7117 - ARCHER DANIELS MIDLAND/  
ATR LANDHANDEL/ JV***

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: 06/02/2014

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## EUROPEAN COMMISSION

Brussels, 6.2.2014  
C(2014) 774 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

### **To the notifying parties**

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

**Subject: Case COMP/M.7117 - ARCHER DANIELS MIDLAND/ ATR  
LANDHANDEL/ JV  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup>**

1. On 14 January 2014, the European Commission received a notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which ADM Hamburg Aktiengesellschaft, Hamburg ("ADM Hamburg", Germany), controlled by Archer Daniels Midland Company ("ADM", United States) and ATR Landhandel GmbH & Co. KG, Ratzeburg ("ATR", Germany) intend to acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of RGL (Rostocker Getreide Lager) GmbH, Rostock ("RGL", Germany) by way of purchase of shares in a newly created company constituting a joint venture.<sup>2</sup>
2. The business activities of the undertakings concerned are:
  - for ADM: the processing of agricultural commodities and the manufacturing of food and feed ingredients. ADM also has a global grain elevator and transportation network to procure, store, clean and transport agricultural commodities such as oilseeds, corn, wheat, milo, oats and barley as well as processed agricultural commodities,

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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 17, 21.1.2014, p. 13.

- for ATR: the origination and trading of agricultural products such as grains and oilseeds, as well as the sale of agricultural supplies such as seeds, fertilizers, pesticides and animal feed compound,
  - for RGL: the operation of a silo for the storage and handling of agricultural goods in the Rostock seaport (Germany).
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 366, 14.12.2013, p. 5.