

EN

***Case No COMP/M.7171 - VARO ENERGY/ BAYERNOIL
PACKAGE***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 28/03/2014

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EUROPEAN COMMISSION

Brussels, 28/03/2014
C(2014) 2243 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

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

**Subject: Case M.7171 - VARO ENERGY/ BAYERNOIL PACKAGE
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 5 March 2014, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Varo Energy ("Varo", The Netherlands), ultimately controlled by Vitol Holding BV, Rotterdam, ("Vitol", The Netherlands) and by the Carlyle Group ("Carlyle", US) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control over a set of assets and businesses - the "Bayernoil Package" - from OMV Deutschland GmbH, by way of purchase of shares and assets².
2. The business activities of the undertakings concerned are:
 - Varo is active in the oil sector, namely in refining, ex-refinery and non-retail sales, storage for heating oil, diesel, gasoline, heavy fuel oil, kerosene, bitumen, recycled oil and lubricants as well as transportation of petroleum products;

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 73, 12.03.2014, p. 35.

- Vitol is active in the trading of various commodities and financial instruments relating in particular to the oil and gas sector;
 - Carlyle is a global alternative asset manager;
 - The Bayernoil Package is active in the refining and marketing of refined oil products predominantly in southern Germany and Austria.
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(c) 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 366, 14.12.2013, p. 5.