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***Case No COMP/M.7180 - AGRIFIRM / BAYWA /  
AGRIMEC 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: 05/05/2014

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## EUROPEAN COMMISSION

Brussels, 5.5.2014  
C(2014) 3049 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

### **To the notifying parties**

Dear Sirs,

**Subject: Case M.7180 - AGRIFIRM / BAYWA / AGRIMEC JV  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup>**

1. On 4 April 2014, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings BayWa AG ("BayWa", Germany) and Agrifirm Group B.V. ("Agrifirm", the Netherlands) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the whole of the undertaking Agrimec Group B.V. ("Agrimec JV", the Netherlands) by way of purchase of shares. Agrimec is presently a fully-owned subsidiary of Agrifirm.<sup>2</sup>
2. The business activities of the undertakings concerned are:
  - for Agrifirm: cooperative enterprise of Dutch farmers and horticulturalists providing products and services in arable farming, horticulture, livestock, cattle, poultry and pork sector, organic farming and agricultural machinery,
  - for BayWa: trading and services in agricultural products, building materials and energy products, and
  - for Agrimec JV: importation and distribution of agricultural machinery, including related after-sales services, in the Netherlands.

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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 111, 12.4.2014, p. 18.

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 paragraphs 5(a) and 6 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.