

***Case No COMP/M.7183 -
KENDRICK / TOPAZ /
RPIF***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 11/03/2014

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EUROPEAN COMMISSION

Brussels, 11.03.2014
C(2014)1705

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party

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

**Subject: Case COMP/M.7183 - KENDRICK / TOPAZ / RPIF
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004¹**

1. On 10 February 2014, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Kendrick Investments Limited ("Kendrick", Isle of Man), controlled by Denis O'Brien, acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertakings Topaz Energy Group Limited ("Topaz", Ireland) and Resource Property Investment Fund PLC ("RPIF", Ireland) by way of purchase of shares².
2. The business activities of the undertakings concerned are:
 - for Kendrick: radio broadcasting; online recruitment; franchising and operating of coffee shops; provision of disaster recovery services; aircraft leasing; provision of mobile phone networks; energy;
 - for Topaz: retail sale of motor fuels, lubricants, home heating oil and convenience goods; non-retail sale of petrol, kerosene, gasoil, lubricants, aviation fuel, heavy fuel oil and light fuel oil;

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 047, 19.02.2014, p.8

- for RPIF: property investments and leasing.
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.