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Case No COMP/M.7453 - CUTRALE / SAFRA / CHIQUITA

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 16/12/2014

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EUROPEAN COMMISSION

Brussels, 16.12.2014
C(2014) 10062 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties

Dear Sirs,

**Subject: Case M.7453 - CUTRALE/ SAFRA/ CHIQUITA
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹**

1. On 21 November 2014, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Burlington UK Limited. (United Kingdom), controlled by the Cutrale family, and Mr. Joseph Safra, through an acquisition vehicle Erichon Investments Ltd. (British Virgin Islands), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Chiquita Brands International, Inc. ("Chiquita", US) by way of public bid announced on 26 October 2014.²
2. The business activities of the undertakings concerned are:
 - for Burlington UK Limited: belongs to the group Cutrale, which is active worldwide predominantly in the production of orange juice, orange by-products, fresh fruit (mainly oranges) as well as sourcing and trading of soya beans,

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 429, 29.11.2014, p. 5.

- for Mr. Joseph Safra: owns a network of companies active worldwide in financial services, including commercial and private banking, investment advice and asset management for private and institutional clients,
 - for Chiquita: is active worldwide in the import and wholesale supply of fresh produce, in particular bananas, as well as the provision of banana ripening and shipping services to third parties.
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 point 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.³
 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.