

***Case No COMP/M.7468 - OJI HOLDINGS/ ITOCHU
CORPORATION/ SALES AND PRODUCTION JVS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION

Date: 16/01/2015

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EUROPEAN COMMISSION

Brussels, 16.1.2015
C(2015) 251 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

**Subject: Case M.7468 - OJI HOLDINGS/ ITOCHU CORPORATION/ SALES AND PRODUCTION JVS
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

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

1. On 11 December 2014, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Itochu Enex Co., Ltd. ("Itochu Enex" of Japan) and Oji Green Resources Co., Ltd. ("Oji Green" of Japan) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a sales joint venture and of a production joint venture by way of purchase of shares in two newly created companies constituting joint ventures³.
2. The business activities of the undertakings concerned are:
 - for Itochu Enex: sales of energy related products such as petroleum products, LP gas and other types of gas, electric power as well as vehicle-related products and services;

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 OJ L 1, 3.1.1994, p.3 ("the EEA Agreement").

³ Publication in the Official Journal of the European Union No C 457, 19.12.2014, p. 20.

- for Oji Green: sales of pulp and wood products, plantation and energy business;
 - for the sales joint venture and for the production joint venture: production and retail supply of electricity in Japan.
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 139/2004.⁴
 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 and Article 57 of the EEA Agreement.

For the Commission

(signed)
Alexander ITALIANER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.