



EUROPEAN COMMISSION
DG Competition

***Case M.7841 - AVRIL
POLE ANIMAL /
TÖNNIES
INTERNATIONAL
HOLDING / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 03/03/2016

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EUROPEAN COMMISSION

Brussels, 03.03.2016
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PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

Dear Sirs,

Subject: Case M.7841 - AVRIL POLE ANIMAL / TÖNNIES INTERNATIONAL HOLDING / JV
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

1. On 10 February 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Avril Pôle Animal ('APA', France), belonging to the Avril group ('Avril', France), and Tönnies International Holding GmbH (Germany), belonging to the Tönnies group ('Tönnies', Germany) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created company ('NewCo', France) constituting a joint-venture.³
2. The business activities of the undertakings concerned are:
 - for **Avril**: activities throughout the oil and protein sectors including the slaughtering of pigs and the production, marketing and sale of pork products for human and animal consumption,

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 60, 16.2.2016, p. 12.

- for **Tönnies**: purchasing and slaughtering of pigs and beef cattle, the processing, packaging and sale of meat products,
 - for **NewCo**: processing, packaging and sale of fresh French origin pork and beef products to the retail channel for human consumption.
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)
Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.