



EUROPEAN COMMISSION
DG Competition

***Case M.7899 -
ALIMENTATION
COUCHE TARD / TOPAZ
ENERGY GROUP /
RESOURCE PROPERTY
INVESTMENT FUND /
ESSO IRELAND***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 25/01/2016

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EUROPEAN COMMISSION

Brussels, 25.01.2016
C(2016) 445 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

Dear Sirs,

Subject: Case M.7899 - ALIMENTATION COUCHE TARD / TOPAZ ENERGY GROUP / RESOURCE PROPERTY INVESTMENT FUND / ESSO IRELAND 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 18 December 2015, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking 9121-2738 Québec Inc., ultimately controlled by Alimentation Couche-Tard Inc. ("ACT" of Canada) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of the undertakings Topaz Energy Group Limited ("Topaz" of Ireland), Resource Property Investment Fund Plc. ("RPIF" of Ireland) and Esso Ireland Limited ("Esso Ireland" of Ireland) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - ACT is a worldwide convenience store operator active in the EEA through its petrol station network in Norway, Sweden, Denmark, Poland, Latvia, Lithuania and Estonia;

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 437, 29.12.2015, p. 7.

- Topaz is active in the non-retail and retail supply of motor fuels, lubricants, heating oil and aviation fuel in Ireland and in Northern Ireland;
 - RPIF holds investments in a number of Topaz's properties including service stations and depots;
 - Esso Ireland is active in the non-retail and retail supply of fuel products in Ireland.
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 139/2004.⁴
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.