



EUROPEAN COMMISSION
DG Competition

***Case M.7980 -
SUMITOMO / COSAN /
BIOMASSA***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 20/04/2016

***In electronic form on the EUR-Lex website under document
number 32016M7980***



EUROPEAN COMMISSION

Brussels, 20.4.2016
C(2016) 2485 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties

Dear Sirs,

**Subject: Case M.7980 - SUMITOMO / COSAN / BIOMASSA
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 23 March 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Sumitomo Corporation ("Sumitomo", Japan) and Cosan S. A. Indústria e Comércio ("Cosan", Brasil) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Biomassa S A. ("Biomassa", Brasil) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for Sumitomo: trading of metal products, transportation and construction of systems, environment and infrastructure, chemicals and electronics, media, networks and lifestyle related goods, mineral resources and energy.

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 121, 06.04.2016, p. 10.

- for Cosan: manufacturing and trading of sugar and ethanol, the co-generation of electricity from sugarcane bagasse, logistics services (including transportation, port terminal loading and storage), the production and distribution of lubricants, fuel distribution, piped natural gas distribution to part of the State of Sao Paulo, and agricultural real property holdings in Brazil.
 - for Biomassa: production and commercialization of sugarcane pellets made from sugarcane bagasse and straw.
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.