



EUROPEAN COMMISSION
DG Competition

***Case M.8562 - CARGILL /
FACCENDA INVESTMENTS / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 15/11/2017

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EUROPEAN COMMISSION

Brussels, 15.11.2017
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PUBLIC VERSION

To the notifying parties

**Subject: Case M.8562 - CARGILL / FACCENDA INVESTMENTS / 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**

Dear Sir or Madam,

1. On 19 October 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which Cargill Incorporated ("Cargill", United States of America) and Faccenda Investments Ltd. ("Faccenda", United Kingdom) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created company constituting a full-function joint venture by way of acquisition of shares.³
2. The business activities of the undertakings concerned are:
 - for Cargill: the international production and marketing of food, including grain and commodity merchandising, oilseed and grain processing and refining, flour milling and meat processing (including chicken),
 - for Faccenda: the breeding, fattening, processing and sale of chicken, turkey and duck products
3. The joint venture will combine Cargill's and Faccenda's UK-based fresh and added value raw poultry businesses comprising chicken, turkey and duck and including their integrated feed, breeding, rearing, fattening, slaughtering and processing activities.

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 368, 28.10.2017, p.9.

4. Following a partial referral request pursuant to Article 4(4) of the Merger Regulation, the Commission referred the assessment of the effects of the transaction on the relevant markets in the United Kingdom to be examined by the Competition and Markets Authority ('CMA'), as the national competition authority of the United Kingdom.⁴ As a result, the current notification concerns only the effects of the transaction on the relevant markets outside the United Kingdom.
5. 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 139/2004.⁵
6. 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 Commission decision of 18 October 2017 in case M. 8562-Cargill/Faccenda Investments (decision not yet published)

⁵ OJ C 366, 14.12.2013, p. 5.