



EUROPEAN COMMISSION  
DG Competition

***Case M.11167 - ALIMENTATION COUCHE-TARD /  
TOTALENERGIES (BELGIUM – LUXEMBOURG –  
GERMANY)***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 03/11/2023

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EUROPEAN COMMISSION

Brussels, 3.11.2023  
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**PUBLIC VERSION**

Alimentation Couche-Tard Inc.  
4204, boulevard industriel  
Laval (Québec) H7L 0E3  
Canada

**Subject: Case M.11167 – ALIMENTATION COUCHE-TARD /  
TOTALENERGIES (BELGIUM – LUXEMBOURG – GERMANY)  
Commission decision pursuant to Article 6(1)(b) of Council Regulation  
(EC) No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European  
Economic Area<sup>2</sup>**

Dear Sir or Madam,

1. On 9 October 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertaking Alimentation Couche-Tard Inc. (“Couche-Tard”, Canada), will acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the retail service stations operated by TotalEnergies SE in Belgium, Germany, Luxembourg, and the Netherlands and the related fuel cards activity (the “Target Business”), by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are the following:
  - Couche-Tard operates retail service stations, including by issuing fuel cards. Couche-Tard is active in Canada, the United States, and in the EEA in Denmark, Estonia, Ireland, Latvia, Lithuania, Norway, Poland and Sweden,
  - The Target Business includes the retail sale of motor fuels in service stations in Belgium, Luxembourg, Germany, the Netherlands, and related fuel cards activity.
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

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<sup>1</sup> 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.

<sup>2</sup> OJ L 1, 3.1.1994, p. 3 (the ‘EEA Agreement’).

<sup>3</sup> Publication in the Official Journal of the European Union,- OJ C, C/2023/300, 18.10.2023.

paragraph 5(d) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>4</sup>

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)*  
*Olivier GUERSENT*  
*Director-General*

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<sup>4</sup> OJ C 160, 5.5.2023, p. 1–10.