



EUROPEAN COMMISSION
DG Competition

***Case M.11291 - TAIYO NIPPON SANZO / ASTOMOS
ENERGY / ASTOMOS RETAILING***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 05/12/2023

***In electronic form on the EUR-Lex website under
document number 32023M11291***



EUROPEAN COMMISSION

Brussels, 5.12.2023
C(2023) 8628 final

PUBLIC VERSION

Astomos Energy Corporation
Sapia Tower 24F, 1-7-12
Marunouchi Chiyodaku
Tokyo 100-0005
Japan

Taiyo Nippon Sanso Corporation
1-3-26 Koyama,
Shinagawa-ku,
Tokyo 142-8558,
Japan

**Subject: Case M.11291 – TAIYO NIPPON SANSO / ASTOMOS ENERGY /
ASTOMOS RETAILING
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 8 November 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which Idemitsu Kosan Co., Ltd (“Idemitsu Kosan”, Japan), and Mitsubishi Chemical Group Corporation (“Mitsubishi Chemical Group”, Japan), will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertakings Astomos Retailing Corporation (“AR”, Japan), currently controlled by Astomos Energy Corporation (“AE”, Japan), and ultimately controlled by Idemitsu Kosan; and Taiyo Nissan Energy Corporation (“TNE”, Japan), currently ultimately controlled by Mitsubishi Chemical Group (AR and TNE are hereinafter referred to as the ‘joint venture’), by way of purchase of shares.³

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, OJ C, C/2023/1196, 23.11.2023.

2. The business activities of the undertakings concerned are the following:
 - Idemitsu Kosan owns and operates oil platforms and oil refineries, and is active in chemicals, high functional materials, electricity and renewable energy, and oil, gas and coal exploration,
 - Mitsubishi Chemical Group is active in chemicals, health care and industrial materials including industrial gases,
3. The business activities of the joint venture will be the result of the combination between the activities of AR, currently active in the sale of Liquefied Petroleum Gas (“LPG”), of LPG equipment and LPG facilities; and of TNE, currently active in the sale of LPG.
4. 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 treatment for certain concentrations under Council Regulation (EC) No 139/2004.⁴
5. 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

⁴ OJ C 160, 5.5.2023, p. 1–10.