

Prior notification of a concentration
(Case COMP/M.7087 — Vitol/Carlyle/Varo)
Candidate case for simplified procedure
(Text with EEA relevance)
(2013/C 345/10)

1. On 18 November 2013, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Funds managed by The Carlyle Group ('Carlyle') from the USA acquire joint control within the meaning of Article 3(1)(b) of the Merger Regulation joint control over Varo Energy Holding SA ('Varo') from Switzerland. Varo is currently and will continue to be — indirectly — jointly controlled by Vitol Group BV ('Vitol Group') from the Netherlands. In addition, as part of the present transaction, Varo intends to acquire certain other companies from Vitol group in Germany.

2. The business activities of the undertakings concerned are:

- Carlyle is a global alternative asset manager, which manages funds that invest globally across four investment disciplines: Corporate Private Equity (buyout and growth capital), Real Assets (real estate, infrastructure and energy), Global Market Strategies (structured credit, mezzanine, distressed, hedge funds, and middle market debt) and Solutions (private equity fund of funds program and related co-investment and secondary activities),
- Vitol Refining Group is part of Vitol Group which is active in the trading of commodities and financial instruments relating in particular to oil and gas, operation of storage terminals and exploration and production of oil and gas,
- Varo operates a crude oil refinery in Switzerland and is active in the storage and wholesale marketing of petroleum products in Switzerland,
- Vitol Germany, currently controlled by Vitol, is mainly active in selling refined petroleum products of middle distillates,
- Petrotank, currently controlled by Vitol, is active in the operation of mineral oil products storage tank terminals in Germany.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.7087 — Vitol/Carlyle/Varo, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

⁽²⁾ OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').