

**Prior notification of a concentration****(Case COMP/M.3110 — OMV/BP (Southern Germany Package))**

(2003/C 110/09)

**(Text with EEA relevance)**

1. On 2 May 2003, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which the undertaking OMV Aktiengesellschaft ('OMV', Austria) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of parts of the undertaking BP plc ('BP' UK) by way of purchase of shares in certain BP subsidiaries especially formed for the purposes of this transaction ('Southern Germany Package').

2. The business activities of the undertakings concerned are:

- OMV: exploration, production, refining and distribution of mineral oil products and natural gas, service stations, chemical industry,
- BP: exploration and production of crude oil and natural gas, oil refining and marketing, petrochemicals and solar energy group,
- Southern Germany Package: service stations in Southern Germany, Bayernoil refinery business, participation in the Transalpine mineral oil pipeline.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

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

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 (No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.3110 — OMV/BP (Southern Germany Package), to the following address:

European Commission,  
Directorate-General for Competition,  
Directorate B — Merger Task Force,  
J-70,  
B-1049 Brussels.

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<sup>(1)</sup> OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

<sup>(2)</sup> OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.