EUROPEAN COMMISSION

Brussels, 08.04.2020
C(2020) 2327 final

PUBLIC VERSION

To the notifying party

Subject: **Case M.9746 – FYFFES LIMITED / VAN WYLICK GMBH**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

1. On 13 March 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Fyffes Limited ('Fyffes', Ireland), a wholly-owned subsidiary of the Sumitomo Corporation ('Sumitomo', Japan) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of the undertaking Fruchtimport van Wylick GmbH ('van Wylick', Germany). The concentration is accomplished by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for Fyffes, the procurement, shipping, import and wholesale of bananas. In the EEA, Fyffes also imports other fruits, including pineapples, and provides some limited banana ripening and shipping services to third parties,

   – for Sumitomo, investments in various sectors such as trading of metal products, transportation and construction, chemicals and electronics, media, mineral resources and energy,

   – for van Wylick, provision of banana ripening services, as well as distribution of fresh fruit.

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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 98, 25.3.2020, p. 14.

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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 paragraph 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.[4]

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

4 OJ C 366, 14.12.2013, p. 5.