EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9574 — Associated British Foods/Wilmar International/AB Mauri Yihai Kerry China Investment Holding Company**
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 19 December 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which AB Mauri China Limited ('ABM', China), an indirect wholly-owned subsidiary of Associated British Foods ('ABF', United Kingdom), and Yihai Kerry Arawana Holdings Co. Ltd. ('YKA', China), an indirect subsidiary of Wilmar International Limited ('WILMAR', Singapore), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created joint venture by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – ABF: activities in five main business domains, namely (i) production of baking ingredients; (ii) production of sugar; (iii) manufacture of grocery products; (iv) supply of agricultural products to farmers; and (v) high street retailing. For its subsidiary, ABM: production of yeast and bakery ingredients.

   – for WILMAR: oil palm cultivation, oilseed crushing, edible oil refining, sugar milling and refining, manufacturing of consumer products, specialty fats, oleochemicals, biodiesel and fertilisers as well as flour and rice milling. For its subsidiary, YKA: investment activities, mainly in the sectors of oilseed crushing, edible oil refining, specialty fats, oleochemicals, processing of corn, wheat and

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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 4, 8.1.2020, p. 5.

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soybean, sustainable multi-stage processing of rice food and beverage, grain and oil technology R&D.

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(a) 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.