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PUBLIC VERSION

ITOCHU Corporation
5-1, Kita-Aoyama 2-Chome, Minato-ku
Tokyo 107-8077
Japan

AMCI Group, LLC
600 Steamboat Road, Level 3
Greenwich, CT 06830
USA

Subject: **Case M.11004 – ITOCHU / AMCI / FITZROY QLD RESOURCES**
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 27 February 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which ITOCHU Corporation ('Itochu', Japan) and AMCI Group, LLC ('AMCI', United States) will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over Fitzroy QLD Resources Limited ('Fitzroy', United Kingdom) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are the following:

   – Itochu is a publicly traded company active in a wide range of industries, including trading of various products such as textile, machinery, metals, minerals, energy, chemicals, food, general products, realty, information and communications technology, finance, and business investment,

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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 86, 08.03.2023, p. 10.

– AMCI is a privately held natural resources investment company active in a number of areas concerning energy and metal commodities with investments in coals, minerals and metals,

– Fitzroy is a privately held company that owns and operates coking coal mines in Australia, and owns undeveloped interests in tenements in Australia as well as a majority interest in a mining equipment services provider in Australia.

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.