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PUBLIC VERSION

Kuwait Petroleum Italia S.p.A.
Viale dell'Oceano Indiano 13
00144 Rome
Italy

Fox Petroli S.p.A.
Via Senigallia 29
61122 Pesaro
Italy

Subject: **Case M.11461 – KUWAIT PETROLEUM ITALIA / FOX PETROLI / ECO FOX**
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 26 April 2024, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertaking(s) Kuwait Petroleum Italia S.p.A. ("Kupit", Italy), controlled by Kuwait Petroleum Corporation (Kuwait), and Fox Petroli S.p.A. ("Fox Petroli", Italy), controlled by Fox Petrolifera Italiana S.p.A. (Italy), will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Eco Fox S.r.l. ("Eco Fox", Italy), which is currently solely controlled by Fox Petroli, by way of purchase of shares. ([3])

(2) The business activities of the undertakings concerned are the following:

– Kupit is active in fuel distribution, the sale of lubricants and fuels for marine use and aviation, and the production of biofuels,

– Fox Petroli is active in the transport, storage, processing and marketing of petroleum products, biofuels, and their by-products.

([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]) OJ C, C/2024/3108, 6.5.2024.

(3) Eco Fox is active in the production and commercialization of biofuels and by-products.

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

(5) For the reasons set out in the Notice on a simplified treatment, 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 160, 5.5.2023, p. 1 (the 'Notice on a simplified treatment').