EUROPEAN COMMISSION

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PUBLIC VERSION

ORLEN S.A.
Bielańska 12
00-085, Warsaw
Poland

Subject: **Case M.11240 – ORLEN / DOPPLER ENERGIE**
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 30 August 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which ORLEN S.A. ('ORLEN', Poland) will acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the whole of the undertaking Doppler Energie GmbH ('Doppler', Austria), by way of purchase of shares.[3]

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

   – ORLEN is primarily active in oil refining and in the production of biofuels, exploration and sale of gas, production of petrochemicals, production of electricity, wholesale and retail sales of motor fuels, operation of electric vehicle charging stations, retail sales of consumer goods, as well as hydrocarbon extraction,

   – Doppler operates a network of motor fuel filling stations and electric vehicle charging stations across Austria.

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

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 324, 14.9.2023, p. 20.

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.