

CONFIDENTIAL

VIEW

of the representatives of the EFTA States and the EFTA Surveillance Authority

presented at the meeting of the

EC ADVISORY COMMITTEE ON MERGERS

of 21 August 2013

regarding a preliminary draft Commission decision

in Case **COMP/M.6360 NYNAS / SHELL / HARBURG REFINERY**

Rapporteur : BELGIUM

1. The representatives of the EFTA States and the EFTA Surveillance Authority agree with the Commission that the notified operation constitutes a concentration within the meaning of Article 3(1)(b) of the Merger Regulation.
2. The representatives of the EFTA States and the EFTA Surveillance Authority agree with the Commission that the notified transaction has a Union dimension pursuant to Article 1(2) of the Merger Regulation.
3. The representatives of the EFTA States and the EFTA Surveillance Authority agree with the Commission's definitions of the relevant product and geographic markets as stated in the draft decision.
4. The representatives of the EFTA States and the EFTA Surveillance Authority agree with the Commission's analysis that, without the proposed transaction, the Harburg refinery assets will most likely exit the market.
5. The representatives of the EFTA States and the EFTA Surveillance Authority agrees with the Commission's assessment that the notified concentration, as originally proposed by the notifying party, is not likely to give rise to non-coordinated horizontal effects that would significantly impede effective competition in the EEA markets for (i) naphthenic base and process oils, and (ii) TFO (Transformer oils).
6. The representatives of the EFTA States and the EFTA Surveillance Authority agree with the Commission's assessment that the notified concentration, as

originally proposed by the notifying party, is not likely to give rise to coordinated effects that would significantly impede effective competition in the EEA markets for (i) naphthenic base and process oils, and (ii) TFO (Transformer oils).

7. The representatives of the EFTA States and the EFTA Surveillance Authority agree with the Commission's assessment that the notified concentration, as originally proposed by the notifying party, is not likely to give rise to non-horizontal effects that would significantly impede effective competition in the EEA markets for (i) naphthenic base, and process oils, and (ii) TFO (Transformer oils).
8. The representatives of the EFTA States and the EFTA Surveillance Authority agree with the Commission that the notified transaction must therefore be declared compatible with the internal market and the functioning of the EEA Agreement in accordance with Articles 2(2) and 8(1) of the Merger Regulation and Article 57 of the EEA Agreement.
9. The representatives of the EFTA States and the EFTA Surveillance Authority ask the Commission to take into account all the other points raised during the discussion.

ISLAND

LIECHTENSTEIN

NORGE

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EFTA SURVEILLANCE AUTHORITY



Sigrid Surlien