

***Case No COMP/M.2770 -  
FIRST AQUA HOLDING  
LTD / SOUTHERN  
WATER PLC***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89  
MERGER PROCEDURE**

---

Article 6(1)(b) NON-OPPOSITION  
Date: 23/04/2002

*Also available in the CELEX database  
Document No 302M2770*



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23/4/2002

SG (2002) D/229535-229540

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

**To the notifying parties**

Dear Madame(s) and/or Sir(s),

**Subject: Case No. COMP/M.2770 – FIRST AQUA HOLDINGS LTD/SOUTHERN WATER PLC**  
**Notification of 15 March 2002 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89<sup>1</sup>**  
**Publication in the Official Journal of the European Communities No. C 074, 23 March 2002, p. 14**

1. On 15 March 2002 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertakings Coll (“Coll”), belonging to the Citigroup, TBH Investments Ltd (“TBH”), Marquis Limited (“MRQ”), Tavistock Capital Investments Inc. (“TCI”), Morgan Ventures Limited (“MVL”) and a private equity investor, acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Southern Water plc (“Southern Water”), controlled by Scottish Power UK plc., by way of purchase of shares through a jointly controlled special purpose vehicle First Aqua Holdings Limited.
2. The business activities of the undertakings concerned are:
  - for Coll: provision of financial services
  - for TBH: investment company

---

<sup>1</sup> OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

- for MRQ: investment company

- for TCI: investment company

-for MVL: investment company

-for Southern Water: provision of water and sewerage services.

3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4, subparagraph b of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89<sup>2</sup>.
4. For the reasons set out in the Notice on simplified procedures, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EEC) No. 4064/89.

For the Commission

*Signed,*  
Mario MONTI  
Member of the Commission

---

<sup>2</sup> OJ C 217, 29.07.2000, p. 32.