

***Case No COMP/M.3584 -
HUTCHISON
WHAMPOA / NORTH
DN***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 10/03/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.03.2005

SG-Greffe(2005)D/201047

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

Dear Madam and Sir,

**Subject: Case No. COMP/M.3584 Hutchison Whampoa/ North DN
Notification of 4 February 2005 pursuant to Article 4 of Council Regulation (EC)
No. 139/2004¹
Publication in the Official Journal of the European Union No. C38 of 15.02.2005,
page 8**

1. On 4 February 2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Gas Network Limited (“Gas Network”, UK), controlled by Cheung Kong Infrastructure Holdings Limited (“CKI”, Hong Kong), the latter belonging to the Hutchison Whampoa group (“Hutchison”, Hong Kong) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Blackwater F Limited (“North DN”, UK) by way of purchase of shares.

¹ OJ L 24, 29.1.2004 p. 1

2. The business activities of the undertakings concerned are :
 - for undertaking Gas Network: special purpose vehicle of a consortium
 - for undertaking CKI: investment in and operation of infrastructure, energy and transportation businesses in Asia, Australia and Europe
 - for undertaking Hutchison: diversified industrial and services group
 - for undertaking North DN: ownership and operation of the North England Gas Distribution Network
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 4, subparagraph b, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 139/2004.
4. For the reasons set out in the Notice on a simplified procedure, 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 (EC) No. 139/2004.

For the Commission

(Signed)
Neelie Kroes
Member of the Commission