

***Case No COMP/M.4025 -
ATEL / EOSH***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 24/02/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24-II-2006

SG-Greffe(2006) D/200839

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

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

Subject: Case No. COMP/M.4025 – MC/ATEL/EOSH

**Notification of 20/01/2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 21, 28/1/06,
page 3**

1. On 20/01/2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking NewCo, resulting from the restructuring of the undertakings Motor-Columbus AG (“MC”, Switzerland) and Aare-Tessin AG (“ATEL”, Switzerland), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of all the operational assets and activities of the undertaking EOS Holding (“EOSH assets”, Switzerland) as well as specifically identified electricity assets currently belonging to the EDF group (“EDF Swiss assets”, Switzerland) by way of purchase of share and assets.
2. The business activities of the undertakings concerned are:
 - for MC: holding company
 - for ATEL: predominantly generation and wholesale supply of electricity
 - for the EOSH assets: generation and wholesale supply of electricity

¹ OJ L 24, 29.1.2004 p. 1

- for the EDF Swiss assets: generation and wholesale supply of electricity
- 3. Having examined the notification and investigated the case, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5 lit. c of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004².
- 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

² OJ C 56, 05.3.2005 p.32