

***Case No COMP/M.4203 -  
BAYERNGAS /  
DEUTSCHE ESSENT /  
NOVOGATE JV***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 23/05/2006

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Brussels, 23/05/2006

SG-Greffe(2006) D/202725

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

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

**Subject: Case No. COMP/M.4203 – BAYERNGAS/DEUTSCHE ESSENT/  
NOVOGATE JV  
Notification of 21 April 2006 pursuant to Article 4 of Council Regulation (EC)  
No. 139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No. C 105,  
4 May 2006, page 10**

1. On 21 April 2006, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings Bayerngas GmbH („Bayerngas“, Germany) and Deutsche Essent GmbH („Deutsche Essent“, Germany) controlled by Essent N.V. (Netherlands) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking novogate GmbH („Novogate“, Germany) by way of purchase of shares in a newly created company constituting a joint venture.

The business activities of the undertakings concerned are :

- for undertaking Bayerngas: procurement, transportation and sale of natural gas;

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<sup>1</sup> OJ L 24, 29.1.2004 p. 1

- for undertaking Deutsche Essent: transportation and storage of natural gas, arrangement of gas trading contracts;
  - for undertaking Novogate: supply of natural gas, gas-related consulting services.
2. 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 5, subparagraph c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004<sup>2</sup>.
  3. 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)  
Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005 p.32