

***Case No COMP/M.4485 -
MEIF II / TECHEM***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 19/12/2006

***In electronic form on the EUR-Lex website under document
number 32006M4485***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19/12/2006

COMP SG-Greffe(2006) D/208215

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.4485 - MEIF II / TECHEM
Notification of 15.11.2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C286,
23.11.2006, p.2**

1. On 15 November 2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004² by which the undertaking MEIF II Energie Beteiligungen GmbH & Co. KG ("MEIF II KG", Germany), ultimately owned, controlled and managed by the Macquarie Bank Limited ("Macquarie", Australia), acquires sole within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of Techem AG ("TECHEM", Germany), a German public listed company, a public takeover offer under the German Takeover Act, announced on 11 November 2006, intending to acquire all the shares of TECHEM.

² OJ L 24, 29.1.2004 p. 1

2. MEIF II KG is a German limited partnership, active in the acquisition, holding, administration and sale of participations in other companies or their assets as well as all related actions and legal transactions.
3. Macquarie is a diversified international provider of specialist financial and investment banking services.
4. TECHEM is active in the business of sub-metering of utilities consumption and the market for energy contracting.
5. 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. 139/2004³.
6. 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

³ OJ C 56, 05.3.2005 p.32