

***Case No COMP/M.5761 -  
E.ON/ MASDAR/ JV***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 24/03/2010

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EUROPEAN COMMISSION

Brussels, 24.03.2010  
SG-Greffe(2010) D/4208/9  
C(2010)2070

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying parties:**

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

**Subject: Case No COMP/M.5761 - E.ON/ MASDAR/ JV  
Notification of 18.02.2010 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 48, 26.02.2010,  
p.13**

- (1) On 18.02.2010, the European Commission received notification of a proposed concentration pursuant to Article 4 of the EC Merger Regulation by which the E.ON AG, Germany (E.ON), through its indirect subsidiary E.ON Carbon Sourcing GmbH, Germany, and Abu Dhabi Future Energy Company, Abu Dhabi, United Arab Emirates (Masdar), intend to establish a joint venture (the JV) in order to combine their capabilities in the area of carbon abatement and to develop carbon abatement projects in designated regions and areas of technologies.

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<sup>1</sup> OJ L 24, 29.1.2004, p 1. With effect from 1 December 2009, Articles 81 and 82 of the EC Treaty have become Articles 101 and, 102, respectively, of the Treaty on the Functioning of the European Union ("TFEU"). The two sets of provisions are, in substance, identical. For the purposes of this Decision, references to Articles 101 and 102 of the TFEU should be understood as references to Articles 81 and 82, respectively, of the EC Treaty where appropriate. The TFEU also introduced certain changes in terminology, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this Decision.

- (2) The business activities of the undertakings concerned are:
- E.ON is a service provider, whose main activities are the generation and supply of electricity and gas;
  - Masdar is an Abu Dhabi-based renewable energy company. It is a wholly-owned subsidiary of Mubadala Development Company PJSC, Abu Dhabi, United Arab Emirates.
  - The JV will be primarily active in the development of international carbon abatement projects eligible under the Kyoto Protocol and other applicable international rules. It will develop and invest in carbon abatement projects on assets in Asia, the Middle East and Africa.
- (3) After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the EC Merger Regulation and of paragraph 5(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
- (4) For the reasons set out in the Notice on a simplified procedure, the European 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 the EC Merger Regulation.

For the Commission  
(*signed*)  
Alexander ITALIANER  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005, p. 32 ("Notice on a simplified procedure").