

***Case No COMP/M.5766 -
ENBW/ PRE***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 25/08/2010

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EUROPEAN COMMISSION

Brussels, 25.08.2010
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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.5766 - ENBW/ PRE
Notification of 29/07/2010 pursuant to Article 4 of Council Regulation (EC) No
139/2004¹
Publication in the Official Journal of the European Union No C212, 05/08/2010,
p.8**

1. On 29/07/2010, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking EnBW Energie Baden-Wurttemberg AG ("EnBW" Germany), jointly controlled by Electricité de France S.A. ("EdF", France) and Zweckverband Oberschwabische Elektrizitätswerke ("OEW", Germany), acquires sole control over Pražska energetika, a.s. ("PRE", Czech Republic) within the meaning of Article 3(1)(b) by way of swapping shares with Honor Invest a.s ("Honor Invest" Czech Republic). PRE is currently jointly controlled by EnBW and the City of Prague through a holding company Pražska energetika Holding a.s ("PRE Holding", Czech Republic).

The business activities of the undertakings concerned are:

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, 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.

- EnBW: generation and wholesale supply of electricity; provision of ancillary services; provision of heat and maintenance and repair of technology equipment in the energy sector,
- EdF: generation and wholesale trading of electricity; transmission, distribution and retail supply of electricity; and in gas wholesale, trading and supply in France and other countries,
- OEW: association of nine public districts in the Southwest of Germany; shareholder in companies active in the energy sectors,
- PRE: retail supply and distribution of electricity; installation and repairing of electrical machinery and instruments; sales of measuring equipment.

2. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(d) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².

3. 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 internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the European Commission,
(signed)
Alexander ITALIANER
Director General

² OJ C 56, 5.3.2005, p. 32.