

***Case No COMP/M.2377 -  
SYDKRAFT / ABB /  
GERMAN POWER  
TRADING JV***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89  
MERGER PROCEDURE**

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Article 6(1)(b) NON-OPPOSITION  
Date: 21/03/2001

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.03.2001

SG (2001) D/286962

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.2377 - Sydkraft / ABB / German Power Trading JV  
Notification of 21/02/2001 pursuant to Article 4 of Council Regulation (EEC)  
No. 4064/89<sup>1</sup>  
Publication in the Official Journal of the European Communities No. C 66 of  
01.03.2001, p. 5.**

1. On 21/02/2001, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertakings SETAB, controlled by the Sydkraft group (Sweden) and ABB AG (Germany), controlled by the ABB group (Switzerland) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of a newly created company, German Power trading JV.

The business activities of the undertakings concerned are :

- SETAB : power trading company
- Sydkraft group : various activities in the fields of electricity and gas
- ABB group : engineering and technology group

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<sup>1</sup> OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

- German Power trading JV : electricity trading

2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4, subparagraph c of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89<sup>2</sup>.
3. To the extent that restrictions specified by the parties are directly related and necessary to the implementation of the concentration, these restrictions are covered pursuant to Article 6(1)(b), second subparagraph, of Council Regulation (EEC) No. 4064/89.
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 (EEC) No. 4064/89.

For the Commission

*(signed)*  
Mario MONTI  
Member of the Commission

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<sup>2</sup> OJ C 217, 29.07.2000, p. 32.