

***Case No COMP/M.2408 -  
REWE COM / HENKEL /  
TEN UK / TEN DE***

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: 31/05/2001

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31/05/2001

**SG (2001) D/288859**

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

**To the notifying parties :**

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

**Subject: Case No. COMP/M.2408– RWE Com/Henkel/Ten UK/Ten DE  
Notification of 26.04.2001 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-136,  
8 May 2001, page 4**

1. On 26.04.2001, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertakings RWE Com GmbH & Co. oHG ("RWE Com"), controlled by RWE AG („RWE“), Henkel KGaA ("Henkel") and Time Energy Network Ltd. ("TEN UK") acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking TEN DE GmbH & Co. KG ("Ten DE") by way of purchase of shares in this newly created company constituting a joint venture.

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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.

The business activities of the undertakings concerned are :

- RWE: energy, mining and raw materials, environmental services, oil and chemicals, industrial systems and construction;
- Henkel: household cleaning, body care, chemical and engineering products, consumer and industrial adhesives;

TEN UK: lifestyle and home management services in the United Kingdom;

TEN DE: lifestyle and home management services in Germany.

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, subparagraphs a and b 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.