

***Case No COMP/M.2508 -
FORTUM / OM / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 10/08/2001

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, **10.08.2001**

SG (2001) **D/290979**

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties :

Dear Sir,

Subject: Case No. COMP/M.2508 – FORTUM / OM /JV
Notification of 13.07.2001 pursuant to Article 4 of Council Regulation (EEC)
No. 4064/89
Publication in the Official Journal of the European Communities
No. C 207, 25 July 2001, page 8

1. On 13.07.2001, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89¹ by which the undertakings Fortum Power and Heat AB (“Fortum”), Sweden, and OM Technology Energy Systems AB (“OM”), Sweden, acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking NewCo by way of purchase of shares in a newly created company constituting a joint venture.

¹ OJ L 395, 30.12.1989 p. 1; corrigendum OJ L 257 of 21.9.1990, p. 13; Regulation as last amended by Regulation (EC) No 1310/97 (OJ L 180, 9. 7. 1997, p. 1, corrigendum OJ L 40, 13.2.1998, p. 17).

The business activities of the undertakings concerned are :

- for undertaking Fortum : Activities in the generation and distribution of energy
 - for undertaking OM : Transaction systems for electronic exchanges
 - for undertaking NewCo: Services for the collection and processing of metering data on energy consumption.
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 (a) and (c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89².
 3. 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)
Philippe BUSQUIN
Member of the Commission

² OJ C 217, 29.07.2000, p. 32.