

***Case No COMP/M.2667 -  
UTILICORP / DB  
AUSTRALIA /  
MIDLANDS  
ELECTRICITY / 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: 03/01/2002

*Also available in the CELEX database  
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COMMISSION OF THE EUROPEAN COMMUNITIES

**Brussels, 03.01.2002**

**SG (2002) D/228034**

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.2667- Utilicorp/DB Australia/Midlands Electricity/JV  
Notification of 09 November 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 336, 30  
November 2001, page 19**

1. On 22.11.2001, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89<sup>2</sup> by which the undertakings UtiliCorp United Inc. (US; "UtiliCorp") and Deutsche Australia Ltd (Australia; "DB Australia") acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Midlands Electricity plc (UK; "Midlands") by way of purchase of shares.

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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.

<sup>2</sup> 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).

2. The business activities of the undertakings concerned are:
  - for UtiliCorp: distribution, trading and wholesale of energy
  - for Deutsche Australia Ltd: banking and financial services
  - for Midlands: electricity distribution
3. 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 b of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89<sup>3</sup>.
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**  
**Mario MONTI**  
**Member of the Commission**

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<sup>3</sup> OJ C 217, 29.07.2000, p. 32.