

***Case No COMP/M.3849 -
IPR / MITSUI /
CALPINE UK***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 07/07/2005

***In electronic form on the EUR-Lex website under document
number 32005M3849***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.07.2005

SG-Greffe(2005) D/202966

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

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

**Subject: Case No. COMP/M.3849 – IPR/ Mitsui/ Calpine UK
Notification of 03.06.2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 142,
11/06/2005, page 49.**

1. On 03.06.2005, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertaking IPM Eagle LLP (“Eagle”, UK), jointly controlled by International Power plc (“IPR”, UK) and Mitsui & Co., Ltd. (“Mitsui”, Japan), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Saltend Cogeneration Company Limited and Calpine UK Operations Limited (“Target Companies”, UK) by way of purchase of shares. The business activities of the undertakings concerned are:
 - for Eagle : generation of electricity;
 - for Target Companies : generation of electricity in the UK.

¹ OJ L 24, 29.1.2004 p. 1

2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5, (c) 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 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 (EC) No. 139/2004.

For the Commission
(signed)
Neelie KROES
Member of the Commission

² OJ C 56, 05.3.2005 p.32