

***Case No COMP/M.4306 -
SHELL / SAINT-
GOBAIN / AVANCIS JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 13/09/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13/09/2006

SG-Greffe(2006) D/205138 / 205139

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.4306 – SHELL / SAINT-GOBAIN / AVANCIS JV No. Notification of 09.08.2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹ Publication in the Official Journal of the European Union No. C 193, 17/08/2006, p. 34

- (1) On 09/08/2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Shell Erneuerbare Energien GmbH (“Shell”, Germany) belonging to the Shell Group and Saint-Gobain Glass Deutschland GmbH (“Saint-Gobain”, Germany) belonging to the Saint-Gobain group acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of Avancis GmbH (“Avancis”, Germany) by way of purchase of shares in a newly created company constituting a joint venture.
- (2) The business activities of the undertakings concerned are:
- for Shell: research, development and manufacture of equipment in the field of solar photovoltaic energy and wind energy;
 - for Saint-Gobain: production and sale of different kinds of raw float glass
 - for Avancis: production and sale of photovoltaic solar modules

¹ OJ L 24, 29.1.2004 p. 1

- (3) 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 (a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004.
- (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 (EC) No. 139/2004.

For the Commission,
signed,
Philip LOWE
Director General