

***Case No COMP/M.4528 -
GSW / MVV / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 13/03/2007

***In electronic form on the EUR-Lex website under document
number 32007M4528***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.03.2007

SG-Greffe(2007) D/201171

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.4528 - GSW/MVV/JV
Notification of 6 February 2007 pursuant to Article 4 of Council Regulation
(EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 32, 14.02.2007,
p. 6.**

1. On 06/02/2007, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking MVV Energie AG ("MVV", Germany), controlled by the City of Mannheim, Germany, and GSW Gemeinnützige Siedlungs- und Wohnungsbaugesellschaft Berlin mbH ("GSW", Germany), jointly controlled by The Goldman Sachs Group, Inc., USA, and the Cerberus Group, USA, acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking WGB Wärme GmbH & Co. KG ("WGB", Germany), a company previously controlled solely by GSW by way of purchase of securities.

¹ OJ L 24, 29.1.2004 p. 1

2. The business activities of the undertakings concerned are :
 - GSW: rental and management of real estates, through WBG energy contracting and property management services,
 - MVV: generation and distribution of electricity, heat, gas and water.
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, subparagraph a, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004².
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

² OJ C 56, 05.3.2005 p.32