

***Case No COMP/M.5229 -  
OMV / LEHMAN / MET /  
JV***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 18/08/2008

***In electronic form on the EUR-Lex website under document  
number 32008M5229***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18-VIII-2008  
SG-Greffe(2008) D/205161/205162/205163  
C(2008)4568

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.5229 - OMV/ LEHMAN/ MET/ JV  
Notification of 15.07.2008 pursuant to Article 4 of Council Regulation (EC) No 139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No C 189 of 26 July 2008, page 13**

1. On 15.07.2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which which the undertakings OMV Power International GmbH ("OPI", Austria) controlled by OMV AG, Austria, Lehman ALI Inc. ("Lehman", USA) belonging to the Lehman Brothers Group, and the Met Group ("Met Group", Turkey) controlled by Dr. Celal Metin acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of Borasco Elektrik Üretim Sanayi ve Ticaret A.S. ("Borasco Elektrik", Turkey) by way of purchase of shares in a newly created company constituting a joint venture.

The business activities of the undertakings concerned are:

- for OPI: development of power plant projects for gas and renewable energy;
- for OMV AG: oil and gas business;
- for Lehman: financial services;

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1.

- for the Met Group: consultancy services focused on energy, telecommunication and consumer sectors;
  - for Borasco Elektrik: development and operation of a gas power plant in Turkey.
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, subparagraph a of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
  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)*  
Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005, p. 32.