

***Case No COMP/M.5359 -
TESSENDERLO
CHEMIE / SPV / IPCHL /
T-POWER JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 19/11/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19-11-2008
SG-Greffe(2008) D/206910/206911/206912
C(2008) 7343

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

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

**Subject: Case No COMP/M.5359 - TESSENDERLO CHEMIE / SPV / IPCHL / T-POWER JV
Notification of 16.10.2008 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 269 dated 24-10-2008, p.10.**

1. On 16.10.2008 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which International Power Consolidated Holdings Limited ("IPCHL", UK) controlled by international Power plc ("International Power"), Tessenderlo Chemie N.V. ("Tessenderlo", Belgium) and Siemens Project Ventures GmbH ("SPV", Germany) controlled by Siemens AG acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of T-Power N.V. ("T-Power", Belgium), a company constituting a joint venture, by way of purchase of shares.

The business activities of the undertakings concerned are:

- for Tessenderlo Chemie N.V. : manufacture of chemical products;
- for Siemens Project Ventures GmbH: development of major infrastructure projects;
- for IPCHL: holding company for a large number of power generating assets;

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)
Philip LOWE
Director General

² OJ C 56, 05.3.2005, p. 32.