

***Case No COMP/M.5375 -
ELECTRABEL
DEUTSCHLAND / WSW
WUPPERTALER
STADTWERKE / WSW
ENERGIE & WASSER***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 18/12/2008

***In electronic form on the EUR-Lex website under document
number 32008M5375***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18/12/2008
SG-Greffe(2008) D/208441/208442
C(2008) 8845

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.5375 - ELECTRABEL DEUTSCHLAND / WSW
WUPPERTALER STADTWERKE / WSW ENERGIE & WASSER
Notification of 18.11.2008 pursuant to Article 4 of Council Regulation (EC) No
139/2004¹
Publication in the Official Journal of the European Union No C 303 dated
26.11.2008, p. 9.**

1. On 23.10.2008 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Electrabel Deutschland AG ("EBLD", Germany) belonging to the GdF Suez group and WSW Wuppertaler Stadtwerke GmbH ("WSW GmbH", Germany) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking WSW Energie & Wasser AG ("WSW AG", Germany) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for EBLD: generation and supply with electricity, natural gas, district heat and provision of energy-related services;
 - for WSW GmbH: municipal utility;
 - for WSW AG: generation and supply of electricity, natural gas and district heat in Wuppertal.

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.