

***Case No COMP/M.5498 -  
SD / JTIA / MIBRAG***

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: 29/05/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.5.2009  
SG-Greffe(2009) D/3050  
C(2009) 4334

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.5498 - SD/ JTIA/ MIBRAG  
Notification of 21.04.2009 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 98, 29.04.2009,  
p. 20.**

1. On 21 April 2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which Severocèskè doly a.s. ("SD", Czech Republic) (controlled by Čez a.s. ("CEZ", Czech Republic)), and J&T Investment Advisors s.r.o. ("JTIA", Czech Republic), acquire, within the meaning of Article 3(1)(b) of the Council Regulation, the MIBRAG Group. The MIBRAG Group is comprised of MIBRAG B.V. (the Netherlands) and its wholly owned subsidiary Mitteldeutsche Braunkohlengesellschaft mbH ("MIBRAG", Germany), which are at present jointly controlled by NRG Energy Inc. (US) and URS Corporation (US). The transaction will take place by purchase of shares through the special purchase vehicle Blitz F09-acht GmbH ("HoldCo").

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

2. The business activities of the undertakings concerned are:
  - for SD: lignite mining in Czech Republic.
  - for CEZ: different activities in the energy sector such as (i) electricity generation; (ii) electricity distribution; (iii) the sale of electricity and heat in the Czech Republic; and (iv) electricity trading and operation of power plants in certain other European countries.
  - for JTIA: investment advisory services in various areas mainly in the Czech Republic and the Slovak Republic.
  - for the MIBRAG Group (namely MIBRAG B.V. and its wholly owned subsidiary MIBRAG): activities in lignite mining and district heating and operation of lignite dust plants and power generation plants each based in Germany.
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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
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

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