

***Case No COMP/M.5507 -
Q-CELLS/GOOD
ENERGIES/NORSUN/
SUNFILM***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 28/05/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.05.2009
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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. 5507 Q-CELLS/GOOD ENERGIES/NORSUN/SUNFILM
Notification of 27/04/2009 pursuant to Article 4 of Council Regulation (EC) No
139/2004¹
Publication in the Official Journal of the European Union No C 104/05
06/05/2009 p.9**

1. On 27/04/2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Q-Cells SE (“Q-Cells”, Germany), Good Energies Investments 2 B.V. (“Good Energies”, Netherlands, controlled by COFRA Holding AG, "COFRA", Switzerland) and NorSun AS (“NorSun”, Norway) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of Sunfilm AG (“Sunfilm”, Germany) by way of purchase of shares and assets.
2. The business activities of the undertakings concerned are the following:
 - Q-Cells: Manufacture and sale of solar cells, solar modules and complete solar energy systems.

¹ OJ L 24, 29.1.2004, p. 1.

- Good Energies: Investments in renewable energies companies, in particular in the photovoltaic and wind sectors.
 - NorSun: Manufacture and sale of mono-crystalline silicon wafers, which are used for the production of solar cells and solar modules.
 - Sunfilm: Manufacture and sale of solar modules based on tandem junction thin film silicon technology on glass.
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 139/2004².
 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.