

***Case No COMP/M.5543 -
ENBW/ BORUSAN/ JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 08/07/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 08/07/2009
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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.5543 - ENBW/ BORUSAN/ JV
Notification of 10/06/2009 pursuant to Article 4 of Council Regulation (EC) No 139/2004.¹
Publication in the Official Journal of the European Union No C 136 of 16/06/2009, page 34.**

1. On 10/06/2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings EnBW Energie Baden-Württemberg AG ("EnBW", Germany), jointly controlled by Electricité de France International S.A. ("EDF", France) and Zweckverband Oberschwäbische Elektrizitätswerke ("OEW", Germany), and acting through its subsidiary EnBW Holding A.Ş. ("EnBW Turkey", Turkey), and Borusan Holding A.Ş. ("Borusan", Turkey) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Borusan Enerji Yatirimlari Ve Üretim A.Ş. ("Borusan Enerji", Turkey) by way of purchase of shares.

The business activities of the undertakings concerned are:

- for EnBW: electricity and gas together with energy and environmental services. Other activities include telecommunication, waste recycling and financial services,
- Borusan: steel, distributorship, logistics, telecommunications and energy industries,

¹ OJ L 24, 29.1.2004, p. 1.

- Borusan Enerji: electricity generation 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(a) and (b) 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.