

***Case No COMP/M.5972 -
CKI/ HEH/ EDF (UK
ELECTRICITY
DISTRIBUTION
BUSINESS)***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 07/10/2010

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EUROPEAN COMMISSION

Brussels, 07.10.2010
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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.5972 – CKI/ HEH/ EDF (UK ELECTRICITY DISTRIBUTION BUSINESS)
Notification of 10.09.2010 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 250, 17.09.2010, p. 15**

1. On 10.09.2010 the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Cheung Kong Infrastructure Holdings Limited ("CKI", Bermuda) controlled by Hutchison Whampoa Limited ("HWL", Hong Kong) and Hongkong Electric Holdings Limited ("HEH", Hong Kong) belonging to the Cheung Kong Group, acquire within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the regulated and non-regulated UK electricity distribution network businesses of Electricité de France SA ("EDF", France) collectively "the Target businesses"²,

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

² The undertakings to be acquired together with their subsidiaries are (i) EDF Energy Networks (SPN) plc, (ii) EDF Energy Networks (EPN) plc, (iii) EDF Energy Networks (LDN) plc, (iv) EDF Energy Networks

through a special purpose vehicle, namely, Eclipse First Network Limited, by way of purchase of shares.

The business activities of the undertakings concerned are:

- CKI: activities in electricity generation, transmission and distribution, toll roads, gas distribution, water treatment and distribution and infrastructure materials;
 - HEH: activities in electricity generation, transmission and distribution in Hong Kong;
 - HWL: investment business,
 - The target businesses: electricity distribution in the east and south east of England and London and operation and maintenance of privately owned electricity distribution network assets at a number of sites in UK.
2. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
 3. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the European Commission,
(signed),
Alexander ITALIANER
Director General

Ltd, (v) EDF Energy (Transport Services) Ltd, (vi) EDF Energy (Services) Ltd, (vii) EDF (Enterprises) Ltd, (viii) EDF Energy (South East) plc.

³ OJ C 56, 5.3.2005, p. 32.