

EN

***Case No COMP/M.6069 -
MITSUI RENEWABLE /
FCCE / GUZMAN***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 14/12/2010

***In electronic form on the EUR-Lex website under document
number 32010M6069***



EUROPEAN COMMISSION

Brussels, 14.12.2010
SG-Greffe(2010) D/20078/20079
C(2010) 9351

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.6069 - MITSUI RENEWABLE/ FCCE/ GUZMAN
Notification of 17.11.2010 pursuant to Article 4 of Council Regulation (EC) No
139/2004¹
Publication in the Official Journal of the European Union No C 323 of
30.11.2010, p.29**

1. On 17.11.2010, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Mitsui Renewable Energy Europe Limited ("Mitsui Renewable ", the UK), controlled by Mitsui Group ("Mitsui", Japan), and FCC Energia, S.A. ("FCCE", Spain), controlled by Fomento de Construcciones y Contratas, S.A. ("FCC Group", Spain), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Guzman Energia, S.L., ("Guzman", Spain), by way of purchase of shares in an existing company constituting a joint venture.

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 business activities of the undertakings concerned are:
- for Mitsui Renewable: supply of solar-generated electricity;
 - for FCCE: supply of renewable energy services.

Guzman will be active in solar thermal power generation in Spain.

3. 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 (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 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 Commission,

(Signed)
Alexander ITALIANER
Director General

² OJ C 56, 5.3.2005, p. 32.