

***Case No COMP/M.6111 -  
HUANENG/ OTPPB/  
INTERGEN***

Only the English text is available and authentic.

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

---

Article 6(1)(b) NON-OPPOSITION  
Date: 11/02/2011

***In electronic form on the EUR-Lex website under document  
number 32011M6111***



EUROPEAN COMMISSION

Brussels, 11.2.2011  
SG-Greffe(2011) D/2158/2159  
C(2011) 963 final

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.6111 - HUANENG/ OTPPB/ INTERGEN  
Notification of 10.01.2011 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 014,  
18.01.2011, p.10**

1. On 10.01.2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which China Huaneng Group ("Huaneng", China) and Ontario Teachers Pension Plan Board ("OTPPB", Canada) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of InterGen N.V. ("InterGen", The Netherlands), currently controlled by GMR Infrastructure ("GMR", Malta) and OTPPB, by way of purchase of shares.

---

<sup>1</sup> 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 Huaneng: electricity power generation.
  - for OTPPB: management of pension fund assets.
  - for InterGen: development and operation of electricity generation facilities.
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(b) 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 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*

---

<sup>2</sup> OJ C 56, 5.3.2005, p. 32.