

EN

***Case No COMP/M.6112 -  
GOOD ENERGIES /  
NEIF / NEWCO***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 13/04/2011

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EUROPEAN COMMISSION

Brussels, 13.4.2011  
C(2011) 2729 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying parties**

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.6112 - GOOD ENERGIES / NEIF / NEWCO  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No  
139/2004<sup>1</sup>**

1. On 17 March 2011, the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Good Energies II LP (The Channel Islands), ultimately controlled by Avenia AG ("Avenia", Switzerland) a company wholly-owned by various members of the Brenninkmeijer family, and NIBC European Infrastructure Fund I C.V., ("NEIF", The Netherlands) with as ultimate parent company NEW NIB Limited ("NEW NIB", USA) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of FIWA II Projektgesellschaft mbH ("FIWA II"), FIWA III Projektgesellschaft mbH ("FIWA III") and FIWA II + III Umspannwerk GmbH ("Umspannwerk GmbH") through a new holding company, Blue Forrest Solar Holdings B.V. ("NewCo B.V."), by way of purchase of shares<sup>2</sup>.

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<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.

<sup>2</sup> Publication in the Official Journal of the European Union No C 93, 25/03/2011, p.27.

2. The business activities of the undertakings concerned are:
- Good Energies/Avenia retail, real estate, financial services and private equity investments, including investments in renewable energies.
  - NEIF/ NEW NIB: financial services
  - FIWA II, FIWA III and Umspannwerk GmbH: generation of photovoltaic energy
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 (a) as well as paragraph 5 (c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>3</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*

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<sup>3</sup> OJ C 56, 5.3.2005, p. 32.