

***Case No COMP/M.6185 - FLABEG
HOLDING/ SCHOTT SOLAR CPS/
SBP SONNE/ JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 14/09/2011

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EUROPEAN COMMISSION

Brussels, 14.09.2011
C(2011) 6560

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.6185 - FLABEG HOLDING/ SCHOTT SOLAR CPS/ SBP SONNE/ JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004¹**

1. On 16.08.2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Flabeg Holding GmbH ("Flabeg", Germany), ultimately controlled by IK Invest B.V., Schott Solar CSP GmbH ("Schott", Germany), belonging to the Carl-Zeiss-Stiftung, and SBP Sonne GmbH ("SBPS", Germany) acquire within the meaning of Article 3(1)b of the Merger Regulation joint control by way of purchase of shares in a newly created company constituting a joint venture ("JV").
2. The business activities of the undertakings concerned are:
 - for undertaking Flabeg: specialty glass for automotive, technical and solar applications;
 - for undertaking Schott: receivers for concentrated solar power plants;

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.

- for undertaking SBPS: engineering; and
 - for undertaking JV: development and distribution of concepts, systems and components which convert concentrated sunlight into heat for use in concentrated solar power plants, as well as related engineering².
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) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
 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 Publication in the Official Journal of the European Union No C 243,20.08.2011, p.21

³ OJ C 56, 5.3.2005, p. 32.