

***Case No COMP/M.6252 -  
TOTAL/ SUNPOWER***

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: 28/06/2011

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EUROPEAN COMMISSION

Brussels, 28.6.2011  
C(2011) 4768 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying party**

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

**Subject: Case No COMP/M.6252 – TOTAL/ SUNPOWER  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No  
139/2004<sup>1</sup>**

- (1) On 24.05.2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation<sup>2</sup> by which the undertaking Total S.A. ("Total", France) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking SunPower Corporation ("SunPower", USA) by way of cash tender offer.
- (2) The business activities of the undertakings concerned are:
  - for undertaking Total : mainly active in the fields of natural gas and oil production, refining and marketing of oil products, petrochemicals and speciality chemicals;
  - for undertaking SunPower : active in the design, manufacturing and supply of solar cells, modules and systems, on a worldwide basis.

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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 162, 01.06.2011, p.9

- (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 139/2004<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.