

***Case No COMP/M.6363 -  
DALKIA POLSKA/ SPEC***

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: 19/09/2011

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EUROPEAN COMMISSION

Brussels, 19.9.2011  
C(2011) 6657 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying party**

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

**Subject: Case No COMP/M.6363 - DALKIA POLSKA/ SPEC  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No  
139/2004<sup>1</sup>**

1. On 22.08.2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Dalkia Polska SA ("Dalkia Polska", Poland) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of Stołeczne Przedsiębiorstwo Energetyki Ciepłej SA ("SPEC", Poland) by way of purchase of shares. Dalkia Polska is controlled by Dalkia International SA ("Dalkia International", France), which is jointly controlled by Veolia Environnement S.A. ("Veolia Environnement", France) and Electricité de France ("EDF", France).<sup>2</sup>
2. The business activities of the undertakings concerned are:
  - Dalkia Polska operates district heating networks in Poland and provides technical facility management services,

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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 253, 30.08.2011, p.7

- EDF is active in the generation, transmission, distribution and retail supply of electricity and gas in Europe, America, Asia and Africa,
  - Veolia Environnement is a global provider of environmental management services, active in waste services, energy services, transportation division and a water division,
  - SPEC owns and operates the district heating network of Warsaw.
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.