

*Case No COMP/M.6450 -
EDF/ ERSA*

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 31/01/2012

*In electronic form on the EUR-Lex website under document
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EUROPEAN COMMISSION

Brussels, 31.01.2012
C(2012)620

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party

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

**Subject: Case No COMP/M.6450 – EDF/ ERSA
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 22.12.2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which EDF International ("EDFI"), belonging to Electricité de France S.A ("EDF", France) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Elektrownia Rybnik S.A. ("ERSA", Poland) by way of purchase of shares. Currently, EDF and Energie Baden-Württemberg AG ("EnBW") jointly control ERSA.²
2. The business activities of the undertakings concerned are:
 - EDF: energy sector, including generation, transmission, distribution and supply of electricity.
 - ERSA: mainly generation, wholesale trading and retail supply of electricity, exclusively in Poland.

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.

² Publication in the Official Journal of the European Union No C 7, 10.01.2012, p.10

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 139/2004³.
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

³ OJ C 56, 5.3.2005, p. 32.