

EN

***Case No COMP/M.6518 -
ESB NM / BPAEL /
HELIEX POWER
LIMITED***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 03/05/2012

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EUROPEAN COMMISSION

Brussels, 3.5.2012

C(2012) 3092

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.6518-ESB NM / BPAEL / HELIEX POWER LIMITED
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 2 April 2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings ESB Novusmodus LP ("ESB NM", Ireland), belonging to the group ESB, and BP Alternative Energy International Limited ("BPAEL", the United Kingdom), belonging to the group BP, acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Heliex Power Limited ("HPL", the United Kingdom) by way of purchase of shares².
2. The business activities of the undertakings concerned are:
 - for ESB NM : investment fund focused on the clean technology and renewable energy sector.
 - for BPAEL : development, production and marketing of bio-fuels, wind and solar energy.
 - for HPL : production and development of steam screw expanders.
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

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 116, 20.4.2012, p.5.

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.