

***Case No COMP/M.6591 - TENNET OFFSHORE GMBH/  
MITSUBISHI CORPORATION/ TENNET OFFSHORE 2***

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: 11/07/2012

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EUROPEAN COMMISSION

Brussels, 11/07/2012  
C(2012)4972

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying parties:**

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

**Subject: Case No COMP/M.6591 - TENNET OFFSHORE GMBH / MITSUBISHI CORPORATION / TENNET OFFSCHORE 2  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>1</sup>**

1. On 13/06/2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which TenneT Offshore GmbH ("TOG", Germany), which is controlled by TenneT Holding B.V. (the Netherlands) and Mitsubishi Corporation ("MC", Japan), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of TenneT Offshore 2. Beteiligungsgesellschaft mbH ("HoldCo", Germany) by way of a purchase of shares in a newly created company constituting a joint venture. Currently HoldCo is wholly owned by TOG. HoldCo holds 100% of the shares in NewCo.

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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.

2. The business activities of the undertakings concerned are:
  - for TOG: offshore electricity transmission in Germany;
  - for MC: trading in energy, metals, machinery, chemicals, food and general merchandise;
  - for NewCo: the construction, operation and maintenance of BorWin 1/2, HVDC cables (including converter stations) that connect certain offshore wind farms located in the North Sea off the German coast with the onshore power grid in Germany.<sup>2</sup>
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*

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<sup>2</sup> Publication in the Official Journal of the European Union No C 182 OF 22/06/2012, p. 13.

<sup>3</sup> OJ C 56, 5.3.2005, p. 32.