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Case No COMP/M.6864 - DSE/ INCJ/ SOLAR VENTURES/ JV

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 11/03/2013

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

Brussels, 11.3.2013
C(2013) 1529 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties

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

**Subject: Case No COMP/M.6864 - DSE/ INCJ/ SOLAR VENTURES/ JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 12.02.2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Diamond Solar Europe Limited ("DSE", Italy), wholly owned by Mitsubishi Corporation ("MC", Japan), Innovation Network Corporation of Japan ("INCJ", Japan) and Solar Ventures S.r.l. ("Solar Ventures", Italy), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over Solar Holding S.r.l. ("Solar Holding", Italy), currently controlled by AME Ventures, by way of a purchase of shares².
2. The business activities of the undertakings concerned are:
 - for MC: general trading activities in various industries including energy, machinery, chemicals, food, and general merchandise;
 - for INCJ: financial, technological and management support to next generation businesses and has investment in innovation projects in the areas of environment, energy, electronics, IT, entertainments, communications and biotechnology;

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 049, 20.2.2013, p.20

- for Solar Ventures: active in the photovoltaic sector in Italy and abroad with development activities, direct investments in operating photovoltaic plants, transaction services for investment companies, plant managements services and administrative services;
 - for Solar Holding: generation and wholesale supply of electricity form solar source in Italy.
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.