



EUROPEAN COMMISSION  
DG Competition

***Case M.8119 - DIF / ELECTRICITE DE FRANCE /  
THYSSENGAS***

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: 12/09/2016

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EUROPEAN COMMISSION

Brussels, 12.9.2016  
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PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

To the notifying parties

Dear Sirs,

**Subject: Case M.8119 - DIF / ELECTRICITE DE FRANCE / THYSSENGAS  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European Economic Area<sup>2</sup>**

1. On 11 August 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which DIF Infrastructure IV Cooperatief U.A. ('DIF', the Netherlands) and Électricité de France SA ('EDF', France) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Thyssengas-group ('Thyssengas', Germany) by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - EDF is an integrated energy company which is active in the generation and wholesale of electricity and in the transmission, distribution and retail supply of electricity, as well as in the provision of other electricity-related services, in France and other countries. EDF is also active, to a lesser extent, in the natural gas retail and wholesale markets,

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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> OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

<sup>3</sup> Publication in the Official Journal of the European Union No C 340, 20.08.2016, p. 45.

- DIF is an investment fund entity and an infrastructure fund management company which invests in infrastructure assets, including Public Private Partnership projects, renewable energy projects and other core infrastructure projects in Europe, North America and Australia,
  - Thyssengas is a gas transmission system operator in North-West Germany.
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 139/2004.<sup>4</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 and Article 57 of the EEA Agreement.

*For the Commission*

*(Signed)*

*Johannes LAITENBERGER*  
*Director-General*

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.