



EUROPEAN COMMISSION  
DG Competition

***Case M.8165 - ENECO /  
ELICIO / NORTHER JV***

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: 05/10/2016

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## EUROPEAN COMMISSION

Brussels, 5.10.2016  
C(2016) 6505 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying parties**

Dear Sirs,

**Subject: Case M.8165 – ENECO / ELICIO / NORTHER JV  
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 12/09/2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Eneco Wind Belgium NV ("EWB", Belgium) belonging to the Eneco group and Elnu NV ("Elnu", Belgium) controlled by Nethys SA acquire within the meaning of Article 3(4) of the Merger Regulation joint control of a new full-function joint venture, Norther NV ("Norther", Belgium).<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - **EWB** is active in Belgium in the production of electricity from wind energy. EWB participates in and manages both "onshore" and "offshore" wind farm projects. For onshore wind farms, EWB is active at both the development stage and the exploitation stage, for offshore wind farms, EWB is in Belgium currently only active at the development stage.
  - **Elnu** is a 100% subsidiary of Elicio NV ("Elicio"). In Belgium, Elicio (through its subsidiaries) generates electricity from operational onshore wind farms and is

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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 345, 21.09.2016, p. 11.

developing various projects relating to the production of biomass and wind energy (including offshore wind farms). Elicio is a subsidiary of Nethys SA.

- **Norther NV** will own, operate and maintain a wind farm located in the North Sea.
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) and (c) 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.