



EUROPEAN COMMISSION  
DG Competition

***Case M.8307 - EP INVESTMENT / EP INVESTMENT II /  
EPH***

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: 23/01/2017

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## EUROPEAN COMMISSION

Brussels, 23.1.2017  
C(2017) 429 final

PUBLIC VERSION

**To the notifying parties**

**Subject: Case M.8307 - EP INVESTMENT / EP INVESTMENT II / EPH  
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>**

Dear Sir or Madam,

1. On 14 December 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which EP Investment S.à.r.l. ("EP Investment", Luxembourg) and EP Investment II S.à.r.l. ("EP Investment II", Luxembourg), acquire, within the meaning of Article 3(1)(b) of the Merger Regulation, sole control over the whole of Energetický a průmyslový holding, a.s. ("EPH", Czech Republic), by way of a purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - EP Investment and EP Investment II are holding companies whose only activities are (and will be) to hold the shares in EPH. EP Investment and EP Investment II are fully-owned and controlled by Daniel Křetínský whose group has activities in several sectors, including energy, transport infrastructure, automotive and media;
  - EPH is a utility company with several activities including lignite mining, electricity and heat production, distribution and supply as well as gas transmission, distribution, storage and supply.
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(d) of

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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 477, 21.12.2016, p. 4.

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.