



EUROPEAN COMMISSION
DG Competition

Case M.8555 - AES / SIEMENS / FLUENCE ENERGY / JV

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 09/10/2017

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EUROPEAN COMMISSION

Brussels, 9.10.2017
C(2017) 6883 final

PUBLIC VERSION

To the Notifying Parties

**Subject: Case M.8555 – AES / SIEMENS / FLUENCE ENERGY / JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

Dear Sir or Madam,

1. On 15 September 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings AES Corporation Inc. (United States) and Siemens AG (Germany) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertaking Fluence Energy LLC (United States) by way of a purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for AES: AES is a global power company;
 - for Siemens: Siemens is active in a number of industrial areas;

For Fluence Energy: the business activities of Fluence Energy will be in developing and marketing battery-based energy storage solutions.

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(c) of

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

³ Publication in the Official Journal of the European Union No C 317, 23/9/2017, p. 5.

the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴

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

⁴ OJ C 366, 14.12.2013, p. 5.