



EUROPEAN COMMISSION  
DG Competition

***Case M.8758 - BAYWA / CLEAN ENERGY TRADING***

Only the English text is available and authentic.

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

---

Article 6(1)(b) NON-OPPOSITION  
Date: 29/01/2018

***In electronic form on the EUR-Lex website under document  
number 32018M8758***



## EUROPEAN COMMISSION

Brussels, 29.1.2018  
C(2018) 591 final

PUBLIC VERSION

To the notifying party

**Subject: Case M.8758 - BAYWA / CLEAN ENERGY TRADING  
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 22 December 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which BayWa r.e. renewable Energy GmbH ('BayWa', Germany), acquires, within the meaning of Article 3(1)(b) of the Merger Regulation, control of Clean Energy Trading GmbH ('CET', Germany). The concentration is accomplished by way of a purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - BayWa is active in the fields of solar energy, wind energy, bioenergy and geothermal energy,
  - CET is active in the fields of direct marketing of electricity from renewable energy plants and the supply of electricity to end customers.
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 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

---

<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 4, 6.1.2018, p. 13.

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

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*