



EUROPEAN COMMISSION
DG Competition

Case M.8760 - EPH / MATRAI EROMU

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 09/02/2018

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EUROPEAN COMMISSION

Brussels, 9.2.2018
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PUBLIC VERSION

To the Notifying Party

**Subject: Case M.8760 – EPH / MATRAI EROMU
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 18 January 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Energetický a průmyslový holding, a.s. ("EPH", the Czech Republic) indirectly acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the whole of the undertaking Mátrai Erőmű Zártkörűen Működő Részvénytársaság ("Mátra", Hungary) by way of a purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for EPH: utility company engaged in lignite extraction, electricity and heat production, distribution and supply, as well as gas transmission, distribution and storage. In Hungary, it operates three gas-fired power plants, provides balancing services, as well as district heating in Budapest;
 - for Mátra: owns and operates a 966 MW, mainly lignite-fired power plant in Visonta. It also produces electricity from a biomass and solar plant. Furthermore, it owns and operates two open pit mines in Visonta and Bükkábrány.
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 29, 26.1.2018, p. 9.

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.