



EUROPEAN COMMISSION
DG Competition

***Case M.9074 - TOTAL /
PONT SUR SAMBRE
POWER and TOUL
POWER***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION

Date: 11/09/2018

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EUROPEAN COMMISSION

Brussels, 11.9.2018
C(2018) 5990 final

PUBLIC VERSION

To the notifying party:

Subject: Case M.9074 - TOTAL / PONT SUR SAMBRE POWER and TOUL POWER 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 20 August 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Total S.A. ("Total", France) acquires, within the meaning of Article 3(1)(b) of the Merger Regulation, sole control of the whole of Pont Sur Sambre Power SAS ("PSS Power", France), indirectly controlled by KKR & Co. Inc. ("KKR", USA) and Toul Power SAS ("Toul Power", France), indirectly controlled by KKR & Co. Inc. ("KKR", USA) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - **Total** is an international integrated energy producer, engaged in the oil and gas industry, the renewable energy and power generation sectors, the production, trading and supply of electricity, and the trading and supply of gas;
 - **PSS Power** operates one combined cycle gas turbine ("CCGT") power plant located in the north of France and is active in the electricity and gas sectors;
 - **Toul Power** operates one CCGT power plant located in the north of France and is active in the electricity and gas sectors.

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 300, 27.8.2018, p. 5.

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 139/2004.⁴
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.