



EUROPEAN COMMISSION
DG Competition

Case M.9217 - ENGIE / EDPR / REPSOL / WINDPLUS

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 12/12/2018

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EUROPEAN COMMISSION

Brussels, 12.12.2018
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PUBLIC VERSION

To the notifying parties

**Subject: Case M.9217 - ENGIE / EDPR / REPSOL / WINDPLUS
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 16 November 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Engie S.A. ("Engie", France), EDP Renewables, SGPS, S.A. ("EDPR", Portugal), controlled by EDP - Energias de Portugal S.A. ("EDP", Portugal), and Repsol Nuevas Energías S.A. ("Repsol", Spain), controlled by Repsol S.A. (Spain), acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control of Windplus S.A. ("Windplus", Portugal), currently controlled by EDPR and Repsol, by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - Engie is an international energy company active throughout the entire value chain;
 - EDPR is active in the generation of renewable energy and is ultimately controlled by EDP, a utility company active in the generation, distribution and supply of electricity in Portugal and Spain;
 - Repsol develops a business related to renewable energy and is controlled by Repsol S.A., an integrated energy company in the oil and gas industry;

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 423, 23.11.2018, p. 21.

- Windplus developed and builds an offshore wind project to be active in the generation and wholesale supply of electricity in Portugal.
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(a) 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.