



EUROPEAN COMMISSION  
DG Competition

***Case M.9279 - EPH /  
UNIPER FRANCE***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 07/05/2019

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EUROPEAN COMMISSION

Brussels, 7.5.2019  
C(2019) 3628 final

**PUBLIC VERSION**

**To the notifying party**

**Subject: Case M.9279 – EPH / UNIPER FRANCE**  
**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 9 April 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the company Energetický a průmyslový holding ("EPH", Czech Republic) acquires, within the meaning of Article 3(1)(b) of the Merger Regulation, sole control over the whole of Uniper France SAS ("Uniper France", France), controlled by Uniper SE, by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - EPH is a utility company with several activities including lignite mining, electricity and heat production, distribution and supply as well as gas transmission, distribution, storage and supply,
  - Uniper France is active in electricity production from both renewable and non-renewable sources, gas and electricity retail supply and the treatment of ash in France.
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 (b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>4</sup>

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<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 140, 16.4.2019, p. 13.

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

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*