



EUROPEAN COMMISSION  
DG Competition

***Case M.9632 - E.ON /  
BERLINER  
STADTWERKE /  
TEGEL ENERGIE***

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: 09/12/2019

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EUROPEAN COMMISSION

Brussels, 9.12.2019  
C(2019) 8922 final

**PUBLIC VERSION**

**To the notifying parties**

**Subject: Case M.9632 - E.ON / BERLINER STADTWERKE / TEGEL ENERGIE  
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 15 November 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which E.ON SE (“EON”, Germany), and Berliner Stadtwerke GmbH („BSW“, Germany), controlled by Berliner Wasserbetriebe Anstalt des öffentlichen Rechts („BWB“, Germany), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Tegel Energie, a newly created joint venture (“Tegel Energie”, Germany).<sup>3</sup>
2. The business activities of the undertakings concerned and the joint venture are:
  - for E.ON: E.ON’s activities are focused on two main business pillars: (i) energy distribution networks and (ii) customer solutions (including electricity and gas retail supply).
  - for BSW: BSW is a 100% subsidiary of BWB. BWB is active with regard to drinking water supply and provides wastewater treatment services, as well as - through BSW - in the construction and operation of renewable energy plants and electricity retail supply.
  - for Tegel Energie: Tegel Energie will construct and operate a new district heating and cooling network as well as generation facilities for two new residential/commercial areas on the site of today’s Berlin Tegel Airport.

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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 398, 25.11.2019, p. 7.

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.<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 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)*  
*Cecilio MADERO VILLAREJO*  
*Acting Director-General*

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