



EUROPEAN COMMISSION
DG Competition

Case M.10566 - P66 / H2 EE / JV

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 04/03/2022

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EUROPEAN COMMISSION

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PUBLIC VERSION

Phillips 66
2331 City West Blvd
Houston, TX 77042
United States of America

H2 Energy Europe AG
Hohlstrasse 186/188
8004 Zürich
Switzerland

**Subject: Case M.10566 – P66 / H2 EE / JV
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 10 February 2022, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Phillips 66 Company (“P66”, United States), and H2 Energy Europe AG (“H2 EE”, Switzerland), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertaking NewCo (Austria) by way of purchase of shares.³
2. The business activities of the concerned undertakings are:
 - P66 is an energy company, which amongst others runs fuel stations,
 - H2 EE is active in hydrogen technology and the development of ecosystems for renewable hydrogen,

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 83, 21.2.2022, p. 2.

- NewCo and its subsidiaries will be active in the development and operation of hydrogen refueling stations in Austria, Denmark and Germany.
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)
Olivier GUERSENT
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.