



EUROPEAN COMMISSION
DG Competition

***Case M.10937 - EDF DEUTSCHLAND / HAZWEI /
HYPION MOTION
NEUMÜNSTER JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 04/01/2023

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Beteiligungsgesellschaft mbH
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**Subject: Case M.10937 - EDF DEUTSCHLAND / HAZWEI / HYPION MOTION
NEUMÜNSTER 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 2 December 2022, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which EDF Deutschland GmbH ('EDF Deutschland', Germany), a part of the EDF Group ('EDF', France), and HAZwei 3. Beteiligungsgesellschaft mbH ('HAzwei', Germany), a part of the E.ON Group ('E.ON', Germany), will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created company Hypion Motion Neumünster GmbH & Co. KG ('Target JV', Germany), by way of purchase of shares.³

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 471, 12.12.2022, p. 15.

2. The business activities of the undertakings concerned are the following:
 - HAZwei holds equity interests for its parent HAZwei GmbH, the latter being active in the development of projects concerning the production and distribution of hydrogen. E.ON's activities are generally focussed on two main business areas: (i) energy networks and (ii) customer solutions (including electricity and gas retail supply,
 - EDF is mainly active in France and abroad in the electricity markets, and, in particular, in electricity production and wholesale supply, trading, transmission, distribution and retail supply. To a lesser extent, the EDF Group is also active in the wholesale supply of gas and in the provision of energy services.
3. The business activities of the Target JV will be the purchase of hydrogen and its sale via a hydrogen refuelling station located in Neumünster, Northern Germany.
4. 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
5. 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.