



EUROPEAN COMMISSION  
DG Competition

***Case M.10963 - BMWK / SEFE***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 16/12/2022

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## EUROPEAN COMMISSION

Brussels, 16.12.2022  
C(2022) 9772 final

### **PUBLIC VERSION**

Bundesministerium für Wirtschaft  
und Klimaschutz  
Scharnhorststraße. 34-37  
10115 Berlin  
Germany

**Subject: Case M.10963 – BMWK / SEFE  
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 21 November 2022, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the Federal Republic of Germany, represented by the German Federal Ministry of Economic Affairs and Climate Action (“BMWK”, Germany), will acquire within the meaning of Article 3(1)(b) of the Merger Regulation control over the whole of SEFE Securing Energy for Europe GmbH (“SEFE”, Germany) by way of capital measures leading to an acquisition of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are the following:
  - BMWK has currently no commercial activities in the energy markets. As part of its response to the current energy crisis, BMWK is developing five LNG regasification facilities in Germany, the first of which will become operational as of December 2022,
  - SEFE (formerly known as “Gazprom Germania GmbH”) is a supplier of natural gas, present mainly in the German market. The company’s main business areas include the downstream wholesale supply and trading of natural gas and LNG, as well as the operation of underground gas storages.

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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 452, 29.11.2022, p. 38.

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>
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*

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