



EUROPEAN COMMISSION
DG Competition

Case M.11222 - MITSUI / EDF / FORSEE POWER / NEOT

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 20/09/2023

***In electronic form on the EUR-Lex website under
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EUROPEAN COMMISSION

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PUBLIC VERSION

Mitsui & Co., Ltd.
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100-8631 Tokyo
Japan

EDF Pulse Holding S.A.S.
20 bis rue Louis Philippe
92200 Neuilly-sur-Seine
France

Forsee Power S.A.
1 boulevard Hippolyte Marquès
94200 Ivry-sur-Seine
France

**Subject: Case M.11222 – MITSUI / EDF / FORSEE POWER / NEOT
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 29 August 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Mitsui & Co., Ltd. (“Mitsui”, Japan), EDF Pulse Holding S.A.S (France), ultimately controlled by EDF S.A. (“EDF”, France), and Forsee Power S.A. (“Forsee Power”, France) will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of NEoT Capital S.A.S. (“NEoT”, France), which is currently jointly controlled by EDF and Forsee Power, by way of purchase of shares.³
2. The business activities of the undertakings concerned are the following:
 - Mitsui is a trading, business management and project development company, which operates worldwide and is active in a variety of sectors,

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 316, 6.9.2023, p. 10.

- EDF is active on the electricity markets, in particular, in electricity production and wholesale, trading and supply, mainly in France,
 - Forsee Power is active in the fields of project financing in the fields of energy and mobility, and design, development and manufacture of smart battery systems for sustainable electromobility applications in the transport industry,
 - NEO T is active in the fields of energy consulting and asset management.
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) and 5(b) 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.