



EUROPEAN COMMISSION
DG Competition

Case M.11242 - EP CORPORATE GROUP / LEB / LEK

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 22/09/2023

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

Brussels, 22.9.2023
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PUBLIC VERSION

EP Corporate Group, a.s.
Pařížská 26, 110 00 Prague 1
Czech Republic

**Subject: Case M.11242 - EP CORPORATE GROUP / LEB / LEK
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 31 August 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which EP Corporate Group, a.s. ('EPCG', Czechia) will acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the whole of the undertakings Lausitz Energie Bergbau AG ('LEB', Germany) and Lausitz Energie Kraftwerke AG ('LEK', Germany) by way of purchase of shares.³
2. The business activities of the undertakings concerned are the following:
 - EPCG is active in coal extraction, electricity and heat production and distribution, as well as electricity and gas supply in various countries within the EEA and the UK,
 - LEB is active in the mining and supply of lignite in Germany,
 - LEK is active in the generation and supply of electricity in 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(d) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴

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 317, 7.9.2023, p. 8.

⁴ OJ C 366, 14.12.2013, p. 5.

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