EUROPEAN COMMISSION

Brussels, 27.08.2020
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PUBLIC VERSION

To the notifying party

Subject: **Case M.9878 — Total/EDP Comercializadora**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

1. On 4 August 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Total SE ("Total", France) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control over EDP Comercializadora, S.A.U ("EDP-C", Spain) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for Total: an international integrated energy producer and provider, active in all sectors of the oil and gas industry, as well as in the renewable energy and power generation sectors,

   – for EDP-C: thermal assets as well as electricity and gas supply business and other related services in particular the supply of electricity to (i) small industrial and commercial customers, (ii) small professional customers and (iii) eligible household customers as well as the retail supply of gas to (i) small industrial and commercial customers and (ii) eligible household.

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

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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 (the '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 268, 14.8.2020, p. 20.

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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.