EUROPEAN COMMISSION

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PUBLIC VERSION

EP Resources AG
Theilerstrasse 1a
CH-6300 Zug
Switzerland

Subject: **Case M.11585 – EPR / UNIPER GROUP (TRADING ASSETS) 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 8 August 2024, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which EP Resources AG ('EPR', Switzerland), controlled by Energetický a průmyslový holding, a.s. ('EPH', Czechia), which is controlled by Mr. Daniel Křetínský, who controls other economic undertakings, will acquire within the meaning of Article 3(1)(b) of the Merger Regulation control over the whole of certain assets and contracts (the 'Target') of Uniper Global Commodities SE ('UGC', Germany), controlled by Uniper SE ('Uniper', Germany), by way a combination of purchase of assets and contractual means. ([3])

(2) The business activities of the undertakings concerned are the following:

– EPR is active in commodity trading and shipping. EPH is a vertically integrated energy utility with several activities including lignite mining, electricity and heat production, distribution, and supply, as well as gas transmission, distribution, storage and supply. Apart from EPH, Mr. Daniel Křetínský also ultimately controls a number of entities active primarily in (i) media and book publishing, (ii) food and non-food wholesale and retail, (iii) e-commerce, (iv) wholesale and retail of electronics and other non-food products, and (v) the video gaming sector,

([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]) OJ C, C/2024/5164, 19.08.2024.

– the Target is active in the purchase of thermal coal, the transport of coal and the stockpiling of coal primarily to supply Uniper's coal-fired power plants located in Germany, the Netherlands, and the UK.

(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 treatment for certain concentrations under Council Regulation (EC) No 139/2004. ([4])

(4) For the reasons set out in the Notice on a simplified treatment, 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 160, 5.5.2023, p. 1 (the 'Notice on a simplified treatment').