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PUBLIC VERSION

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IPP Projects GmbH,
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Entwicklungsagentur Region Heide AöR
Hamburger Hof 3
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Subject: **Case M. 10243 — HanseWerk/EDF/IPP/EARH/Hypion JV**
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 23 June 2021, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings HanseWerk AG ("HAW", Germany), controlled by E.ON SE (Germany), EDF Deutschland GmbH (Germany), a subsidiary of EDF S.A. ("EDF", France), IPP Projects GmbH ("IPP", Germany), a subsidiary of Possel & Koselowske

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').

Holding GmbH (Germany), part of the IPP Group (Germany), and Entwicklungsagentur Region Heide AöR ("EARH", Germany), acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control over the whole of the undertaking Hypion GmbH ("Hypion", "the JV", Germany) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for HAW: operates energy grids which supply electricity, gas or heat and offers energy solutions with a focus on grid operation and decentralised energy generation in Northern Germany,

   – for EDF: electricity production, wholesale, trading and supply, as well as being active in the gas and energy services markets, the construction, operation, and maintenance of electrical plants and power networks, and provision of waste recycling and energy services,

   – for IPP: part of a Group that is active in the areas of planning, consulting, design, assessment, construction management and project coordination for all areas of environmental protection in construction and process engineering,

   – for EARH: an institution under German public law founded by the city of Heide and eleven other municipalities near Heide, Northern Germany that develops and implements concepts aimed at developing housing, economy and trade (including the creation of jobs in the renewable energy sector), retail, public transport, schooling, social infrastructure, landscape and recreation,

   – for the JV: developing and selling projects in the field of green hydrogen and other industrial gases produced from green hydrogen in the North of 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 paragraphs 5(a) and 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

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3 Publication in the Official Journal of the European Union No C 266, 6.7.2021, p. 5.

4 OJ C 366, 14.12.2013, p. 5.