EUROPEAN COMMISSION

Brussels, 11.05.2021
C(2021) 3482 final

**PUBLIC VERSION**

Shell Overseas Investment B.V.
Carel van Bylandtlaan 30
The Hague, 2596 HR
The Netherlands

**Subject:** **Case M.10170 — Shell/NXK**
**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 19 April 2021, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Shell Overseas Investments B.V. ("SOI", the Netherlands), a subsidiary of Royal Dutch Shell plc ("Shell", United Kingdom), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of Next Kraftwerke GmbH ("NXK", Germany) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for Shell: a global group of energy and petrochemical companies with businesses including oil and gas exploration, production, manufacturing, marketing and shipping of oil products and chemicals, and renewable energy products,

   – for NXK: an electricity aggregator and trader with subsidiaries in several European countries. It is specialised in the direct selling of electricity from renewable energy sources.

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 ('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 149, 27.4.2021, p. 10.

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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.