EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9901 — GIG Solar/Siemens/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 30 July 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings GIG Solar Holdco, LLC ("GIG Solar", USA), an indirectly wholly owned subsidiary of Macquarie Group Limited together with its subsidiaries, ("Macquarie"), and Siemens Aktiengesellschaft ("Siemens", Germany) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over a newly created joint venture MSS Energy Holdings, LLC ("JV", USA) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for GIG Solar: GIG Solar is a green infrastructure company; Macquarie is a global provider of banking, financial, advisory, investment, and funds management services,

   – for Siemens: Siemens' main areas of business activity are electrification, automation and digitalization,

   – for the JV: origination, development, delivery and financing of "energy as a service" projects in the USA.

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 257, 5.8.2020, p. 2.

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paragraph 5(a) 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.