EUROPEAN COMMISSION

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PUBLIC VERSION

RAG-Stiftung
Im Welterbe 10
45141 Essen
Germany

Open Grid Europe GmbH
Kallenbergstraße 5
45141 Essen
Germany

Subject: **Case M.10377 – RAG-STIFTUNG / OPEN GRID EUROPE / H2UB**
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 12 August 2021, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings RAG Stiftung ('RAGS', Germany) and Open Grid Europe GmbH ('OGE', Germany), which is controlled by Vier Gas Holdings S.à.r.l. (Luxembourg), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertaking H2UB GmbH ('H2UB', Germany) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for RAGS: active worldwide in financing the perpetual obligations left behind by the German hard coal industry and acquisition and management of direct or indirect interests in entities in accordance with this goal, including shareholdings in the speciality chemicals company Evonik Industries AG and in the housing provider Vivawest GmbH,

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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 334, 20.8.2021, p. 22-23.

– for OGE: primarily active in Germany, amongst others in the operation of a natural gas pipeline network in Germany, as well as in consulting services concerning a transformation to hydrogen usage via its jointly-controlled subsidiary evety GmbH,

– for H2UB: will be primarily active in Germany in management consulting services for start-ups in the hydrogen industry and organization and management of hydrogen related business events.

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(a) & 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.