Prior notification of a concentration

(Case M.9990 — Vattenfall/Engie/GASAG)

(Text with EEA relevance)

(2020/C 393/07)

1. On 9 November 2020, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]).

This notification concerns the following undertakings:

— Vattenfall GmbH ('Vattenfall', Germany), belonging to the group Vattenfall AB (Sweden),

— Engie Beteiligungs GmbH ('Engie', Germany), belonging to the group Engie SA (France),

— GASAG AG ('GASAG', Germany).

Vattenfall and Engie acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the whole of GASAG.

The concentration is accomplished by way of contract of management.

The Commission was first notified of this concentration on 3 November 2015. The Commission approved the concentration as case M.7778 on 8 December 2015, but in the end the parties did not go through with it at that time.

2. The business activities of the undertakings concerned are:

— Vattenfall operates predominantly in Germany, the Netherlands, Sweden and the United Kingdom. In Germany, Vattenfall operates primarily as an electricity producer, trader, distributor and retailer. It operates in the district heating sector in Berlin as well. It is also involved on a smaller scale in energy services, gas retailing and storage and on a somewhat larger scale in gas trading.

— ENGIE is an international gas, electricity and energy services undertaking, with activities spanning the entire electricity and gas value chain, in particular the purchase, production and marketing of natural gas and electricity, along with their storage and distribution, the operation and development of major gas infrastructure and energy services. In Germany, ENGIE operates in the district heating sector in Gera, Wuppertal and Saarbrücken.

— GASAG operates only in Germany, although it also does business with undertakings established abroad. The focus of its activity is the sale and distribution of gas, predominantly around Berlin and in Brandenburg and parts of Saxony-Anhalt and Saxony. GASAG is also involved in energy services and electricity retailing, and to a very limited extent in the production, distribution and retailing of electricity and in district heating.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.9990 — Vattenfall/Engie/GASAG

([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

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