C/2024/5164

19.8.2024

Prior notification of a concentration

(Case M.11585 – EPR / UNIPER GROUP (TRADING ASSETS))

Candidate case for simplified procedure

(Text with EEA relevance)

(C/2024/5164)

1. On 8 August 2024, 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, contracts and assets:

— EP Resources AG ('EPR', Switzerland), controlled by Energetický a průmyslový holding, a.s. ('EPH', Czechia), which is ultimately controlled by Mr. Daniel Křetínský, who controls other economic undertakings,

— the Target includes various contracts and assets of Uniper Global Commodities SE (Germany), controlled by Uniper SE ('Uniper', Germany), such as a coal stockpile, coal supply agreements, and time charter agreements, which are used to source coal and supply it primarily to Uniper's coal-fired power plants located in Germany, the Netherlands, and the UK.

EPR will acquire within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the Target.

The concentration is accomplished by a way of a combination of purchase of assets and contractual means.

2. The business activities of the undertakings concerned are the following:

— EPR is active in commodity trading and shipping. The EPH Group is a vertically integrated energy utility with several activities including lignite mining, electricity and heat production, distribution, and supply, as well as gas transmission, distribution, storage and supply,

— the Target is active in the purchase of thermal coal, the transport of coal and the stockpiling of coal primarily to supply Uniper's coal-fired power plants located in Germany, the Netherlands, and the UK.

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.

Pursuant to the Commission Notice on a simplified treatment for certain concentrations under Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings ([2]) it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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.11585 – EPR / UNIPER GROUP (TRADING ASSETS)

([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
([2]) OJ C 160, 5.5.2023, p. 1.

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

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