EUROPEAN COMMISSION

Brussels, 17.08.2020
C(2020) 5756 final

PUBLIC VERSION

To the notifying party

Subject: **Case M.9870 – TOTAL DIRECT ENERGIE / KERNAMAN**
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 24 July 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Total Direct Energie S.A. ("Total Direct Energie", France), a 100% subsidiary of TOTAL S.A. ("TOTAL", France) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control over the whole of the undertaking Kernaman SAS ("Kernaman", France) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for TOTAL: TOTAL is active in all sectors of the oil and gas industry, as well as in the renewable energy, power generation sectors and carbon neutrality businesses,

   – for Kernaman: Kernaman is active in the electricity sector and holds the following assets: (i) Emile Huchet 7 and Emile Huchet 8, two combined cycle gas turbine units, and (ii) an optimisation and dispatching center known as Le Centre d'Optimisation, de Dispatching et d'Ajustement de la Production and related assets and liabilities.

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, 05.8.2020, p. 4.

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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.