V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.9830 – Avacon Natur/NEW AG/Stadtenfalter JV)

Candidate case for simplified procedure

(Text with EEA relevance)

(2020/C 212/04)

1. On 18 June 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:

— NEW Smart City GmbH ('NEW Smart City', Germany), belonging to the group NEW AG ('NEW', Germany),

— Avacon Natur GmbH ('Avacon Natur', Germany"), ultimately controlled by E.ON SE ('E.ON'),

— Stadtentfalter GmbH ('Stadtentfalter', Germany).

NEW Smart City and Avacon Natur acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Stadtentfalter.

The concentration is accomplished by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

— Avacon Natur operates several thermal power stations and sells electricity, gas and district heating and cooling,

— NEW Smart City is active in smart city solutions and e-mobility,

— Stadtentfalter will be active in the construction and operation of district heating and cooling networks, including construction of plants for cooling and heat generation and supply, generation of electricity for sale within these networks and district heating/cooling related consultancy, engineering and management services.

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

([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
([2]) OJ C 366, 14.12.2013, p. 5.

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.9830 – Avacon Natur/NEW AG/Stadtentfalter JV

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

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