EUROPEAN COMMISSION

Brussels, 7.9.2022
C(2022) 6542 final

PUBLIC VERSION

First Sentier Investors International IM Limited
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EC2M 7EB London
United Kingdom

Westenergie AG
Opernplatz 1
45128 Essen
Germany

Subject: **Case M.10871 – E.ON / FSI / WESTENERGIE BREITBAND**
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 17 August 2022, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertakings E.ON SE ("E.ON", Germany) and First Sentier Investors Holdings Pty Ltd ("FSI", Australia, controlled by Mitsubishi UFL Financial Group, Inc, ("MUFG", Japan)), will acquire joint control, within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation, of Westenergie Breitband GmbH ("Westenergie Breitband", Germany). The concentration is accomplished by way of purchase of shares.[3]

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

   – E.ON is an international energy and utility company,

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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 320, 24.8.2022, p. 53.

– FSI forms part of the global asset management group First Sentier Investors Group that is ultimately controlled by MUFG, a global asset management group and provider of banking services,

– Westenergie Breitband builds and operates glass fibre optic broadband networks in Germany.

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(b) 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.