EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying party

Subject: **Case M.9372 – EPH / AES BALLYLUMFORD / AES KILROOT POWER**
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 7 May 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking EP UK Investments Limited ("EPUK", the UK), controlled by Energetický a průmyslový holding, a.s. ("EPH", the Czech Republic) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the whole of the undertaking AES Ballylumford Limited ("AES Ballylumford", Northern Ireland) and AES Kilroot Power Limited ("AES Kilroot Power", Northern Ireland), controlled by the AES Corporation ("AES") by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – EPUK is a UK energy company, primarily focusing on power generation from conventional and renewable sources in Great Britain; EPH is a utility company engaged in coal extraction, electricity and heat production, distribution and supply as well as gas supply in various EU Member States;

   – AES Ballylumford operates the Ballylumford gas fired power station in Northern Ireland; AES Kilroot Power operates the Kilroot thermal dual coal/oil fired power station with a battery storage facility, also in Northern Ireland; AES is a holding company which operates thermal and renewable electricity generation businesses and electricity distribution businesses, across the United States, South America, Mexico, Central America and the Caribbean, Europe and Asia.

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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 166, 15.5.2019, p. 8.

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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)
Johannes LAITENBERGER
Director-General

4 OJ C 366, 14.12.2013, p. 5.