EUROPEAN COMMISSION

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PUBLIC VERSION

EP UK Investments Limited
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United Kingdom

TotalEnergies Gas & Power Holdings UK Limited
Bridge Gate, 55-57 High Street
Redhill, Surrey, RH1 1RX
United Kingdom

Subject: **Case M.11748 — EPUKI / TTE / WEST BURTON FLEXIBLE GENERATION**
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 September 2024, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertakings EP UK Investments Limited ('EPUKI', United Kingdom) ultimately controlled by Mr Daniel Křetínský (Czechia), and TotalEnergies Gas & Power Holdings UK Limited ('TTE', United Kingdom) controlled by TotalEnergies SE (France), will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertaking West Burton Flexible Generation Limited ('West Burton Flexible Generation', United Kingdom) by way of purchase of shares. ([3])

([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]) OJ C, C/2024/5932, 1.10.2024.

(2) The business activities of the undertakings concerned are the following:

– EPUKI is active in the United Kingdom (i) in the generation and wholesale supply of electricity, (ii) in the provision of balancing and ancillary services, (iii) in financial electricity trading and (iv) in the retail supply of gas,

– TTE supplies gas to industrial and commercial customers and is active in the generation and wholesale supply of electricity in the United Kingdom.

(3) The business activities of West Burton Flexible Generation relate to the generation, wholesale supply of electricity and provision of balancing and ancillary services in the United Kingdom.

(4) 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(a) of the Commission Notice on a simplified treatment for certain concentrations under Council Regulation (EC) No 139/2004. ([4])

(5) For the reasons set out in the Notice on a simplified treatment, 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 160, 5.5.2023, p. 1 (the 'Notice on a simplified treatment').