

Prior notification of a concentration**(Case M.8870 — E.ON/Innogy)****(Text with EEA relevance)**

(2019/C 50/09)

1. On 31 January 2019, 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:

- E.ON SE ('E.ON', Germany),
- Innogy SE ('Innogy', Germany), currently controlled by RWE.

E.ON acquires, within the meaning of Article 3(1)(b) of the Merger Regulation, sole control over the distribution and consumer solutions business and certain electricity generation assets of Innogy. In a first step, E.ON will acquire the whole of Innogy. In a second step, E.ON will carve-out the majority of Innogy's renewable electricity generation business, gas storage business and participation in Kärnter Energieholding Beteiligungs GmbH and transfer these assets back to RWE.

The concentration is part of a complex asset swap between RWE and E.ON. In a separate case (Case M.8871), on 22 January 2019, RWE notified to the Commission a proposed acquisition of sole control over certain electricity production assets of E.ON. RWE will also obtain approximately a 16,7 % shareholding in E.ON.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- E.ON is an energy company active across the supply chain, including generation, wholesale supply, transmission, distribution, retail supply and energy-related activities (such as metering, e-mobility, etc.). E.ON is active in several European countries, including Sweden, Romania, Italy, Poland, Denmark, Czechia, Germany, Hungary, Slovakia and the UK.
- Innogy, a wholly subsidiary of RWE, is an energy company active across the supply chain, including distribution, retail supply and energy-related activities (such as metering, e-mobility, etc.). Innogy is active in several European countries, including Belgium, Spain, the Netherlands, Poland, France, Italy, Portugal, Romania, Croatia, Slovenia, Czechia, Germany, Hungary, Slovakia and the UK.

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.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission no later than 10 days following the date of this publication. The following reference should always be specified:

M.8870 — E.ON/Innogy

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

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
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⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').