

Prior notification of a concentration**(Case COMP/M.5766 — EnBW/PRE)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2010/C 212/06)

1. On 29 July 2010 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking EnBW Energie Baden-Württemberg AG ('EnBW' Germany), jointly controlled by Electricité de France S.A. ('EdF', France) and Zweckverband Oberschwabische Elektrizitätswerke ('OEW', Germany), acquires sole control over Pražska energetika, a.s. ('PRE', Czech Republic) within the meaning of Article 3(1)(b) of the Merger Regulation by way of swapping shares with Honor Invest a.s ('Honor Invest' Czech Republic). PRE is currently jointly controlled by EnBW and the City of Prague through a holding company Pražska energetika Holding a.s ('PRE Holding', Czech Republic).

2. The business activities of the undertakings concerned are:

- EnBW: generation and wholesale supply of electricity; provision of ancillary services; provision of heat and maintenance and repair of technology equipment in the energy sector,
- EdF: generation and wholesale trading of electricity; transmission, distribution and retail supply of electricity; and in gas wholesale, trading and supply in France and other countries,
- OEW: association of nine public districts in the Southwest of Germany; shareholder in companies active in the energy sectors,
- PRE: retail supply and distribution of electricity; installation and repairing of electrical machinery and instruments; sales of measuring equipment.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC 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 EC Merger Regulation ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.5766 — EnBW/PRE, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

⁽²⁾ OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').