

***Case No COMP/M.5468 -  
GDF SUEZ / GEK***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004  
MERGER PROCEDURE**

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Article 6(1)(b) NON-OPPOSITION  
Date: 19/03/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19/03/2009  
SG-Greffe(2009) D/1627  
C(2009) 2112

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying party:**

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.5468 – GDF SUEZ/ GEK  
Notification of 17/02/2009 pursuant to Article 4 of Council Regulation (EC) No  
139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No C 46 of  
25/02/2009, page 30.**

1. On 17/02/2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which Electrabel International Holdings BV, a wholly-owned indirect subsidiary of GDF SUEZ SA (France), and GEK SA (Greece) will acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control by way of purchase of shares over Heron Thermoelectric SA and Heron II Viotia Thermoelectric Station SA, two companies incorporated under the laws of Greece and both currently fully-owned by the GEK Group.

The business activities of the undertakings concerned are:

- for GDF SUEZ SA: generation, transport, storage, distribution and retail supply of natural gas and generation and retail of electricity; waste management; water related-services;

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1.

- for GEK SA: construction, industry (manufacture and trade of sleepers, operation of quarries), concessions (motorways and car parks), real estate and energy.
2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No 139/2004 and of paragraph 5 (c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
  3. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EC) No 139/2004.

For the Commission  
(signed)  
Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005, p. 32.