

***Case No COMP/M.2789 -
RWE POWER /
LUCCHINI / ELETTRA
GLL JV***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 26/04/2002

*Also available in the CELEX database
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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26/04/2002

SG (2002) D/229615

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties

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

**Subject: Case No. COMP/M.2789 - RWE POWER/LUCCHINI/ELETTRA GLL JV
Notification of 27/03/2002 pursuant to Article 4 of Council Regulation (EEC)
No. 4064/89¹
Publication in the Official Journal of the European Communities
No. C 88, 12 April 2002, page 27**

1. On 27/03/2002, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertakings RWE Power AG ("RWE Power"), Germany, belonging to the group RWE and Lucchini S.p.A. ("Lucchini"), Italy, acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the Italian undertaking Elettra GLL S.p.A. ("Elettra GLL") by way of purchase of shares. Prior the transaction, Elettra GLL was solely controlled by Lucchini.

The business activities of the undertakings concerned are :

- for undertaking RWE Power : Generation of electricity.
- for undertaking Lucchini : Various activities in the steel sector; generation of electricity through Elettra GLL.
- for undertaking Elettra GLL : Generation of electricity.

¹ OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No 4064/89 and of paragraph 4, subparagraph c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89².
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 (EEC) No 4064/89.

For the Commission
Mario MONTI
Member of the Commission

² OJ C 217, 29.07.2000, p. 32.