

***Case No COMP/M.3949 -
SHELL / ERG / IONIO
GAS / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 24/11/2005

***In electronic form on the EUR-Lex website under document
number 32005M3949***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24/11/2005

SG-Greffe(2005) D/206309

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

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

**Subject: Case No. COMP/M.3949 - SHELL/ERG/IONIO GAS/JV
Notification of 17/10/2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 264,
25/10/2005, page 8**

1. On 17.10.2005 , the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings Shell Energy Italia S.r.l. ("Shell Italia", Italy), belonging to the Shell Group, and ERG Power & Gas S.p.A. ("ERG", Italy) acquire joint control of a newly created company constituting a joint venture ("IONIO GAS") by way of purchase of shares.
2. The business activities of the undertakings concerned are :
 - for Shell Italia : exploration and retail of oil and natural gas in Italy;
 - for ERG: active mainly in Italy in the production and sale of oil and in power generation;

¹ OJ L 24, 29.1.2004 p. 1

- for the IONIO GAS JV: development, design, construction and operation of an onshore liquefied natural gas regasification terminal in Priolo, Italy.
3. 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 subparagraph b of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004².
 4. 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,
Neelie KROES
Member of the Commission

² OJ C 56, 05.3.2005 p.32