

***Case No COMP/M.5442 -  
E.ON ITALIA / MPE  
ENERGIA***

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: 24/03/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.03.2009  
SG-Greffe(2009) D/1792  
C(2009)2209

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.5442 - E.ON ITALIA/ MPE ENERGIA  
Notification of 23.02.2009 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 49, 28.02.2009,  
p.8**

1. On 23 February 2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which EON AG ("EON", Germany) will acquire within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of MPE Energia Spa ("MPE Energia", Italy) through its subsidiary EON Italia Spa ("EON Italia", Italy) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - for **EON AG**: different activities in gas and electricity sectors;
  - for **MPE Energia** : retail supply of electricity.
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

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

5 (d) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.

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*)  
Philip LOWE  
Director General

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