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## **COMP/M.5170 - E.ON/ ENDESA EUROPA/ VIESGO**

### **SECTION 1.2**

#### **Description of the concentration**

By means of the notified concentration E.ON AG, Düsseldorf, Germany (E.ON), acquires sole control over Endesa Europa, S.L., a subsidiary of Endesa S.A., Madrid, Spain (Endesa), over certain assets of Endesa and over the Viesgo subsidiaries of Enel S.p.A., Roma, Italy (Enel). This transaction implements the Agreement of 2 April 2007 by which E.ON, Enel and Acciona have settled their competing public tender offers over Endesa. This concentration as intended by Agreement of 2 April 2007 has been notified to and cleared by the Commission on 6 August 2007 under the case number COMP/M.4672.

In preparation of the technical implementation of the transaction, the Parties agreed to buy one power plant less and to swap one asset (one power plant) for practical reasons. Accordingly, they amended the Agreement dated 2 April 2008 by an Additional Agreement of 18 March 2008. Although the competitive impact of this amended transaction is lower and the swapped assets are nearly technically identical, in the view of the Commission this amendment triggers the necessity for a new notification.

Endesa Europa is conducting Endesa's business in the electricity sector in European countries outside Spain. Only its activities in France, Italy, Poland and Turkey will be transferred to E.ON. The Endesa assets to be transferred relate to electricity generation in Spain. The Viesgo subsidiaries of Enel are active as Spanish utility companies in the electricity sector.