

***Case No COMP/M.5807 -
ENI/ FOX ENERGY***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 02/06/2010

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EUROPEAN COMMISSION

Brussels, 2.6.2010
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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.5807 - ENI/ FOX ENERGY
Notification of 29.04.2010 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 119, 07.05.2010, p.10

1. On 29.04.2010, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking enirete oil & nonoil S.p.A. ("Enirete", Italy) belonging to Eni S.p.A. ("ENI", Italy) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Fox Energy S.p.A. ("Fox Energy", Italy), previously jointly controlled by Enirete together with Fox Petroli S.p.A. and Mariani & C. S.r.l., by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Enirete: retail sales of petroleum products and lubricants in Italy;

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

- for ENI: a vertically integrated energy company active in, among others, non-retail sales of fuel products in Italy;
 - for Fox Energy: non-retail sales of petroleum products and lubricants in central Italy.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(d) 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 European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the European Commission,
(Signed)
Alexander ITALIANER
Director General

² OJ C 56, 5.3.2005, p. 32.