

***Case No COMP/M.2566 -
SHELL-CINERGY / EDA
/ EPA JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 13/09/2001

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, **13/09/2001**
SG(2001) 291360

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties:

Dear Sir(s),

Subject: Case No. COMP/M.2566 – Shell-Cinergy / EDA / EPA JV

Notification of 10 August 2001 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89¹

Publication in the Official Journal of the European Communities No. C247 of 05.09.2001 page 15

1. On 10 August 2001, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which Attiki Denmark ApS (“Investor”), controlled by Shell Gas and the US based Cinergy, and the Greek Gas Distribution company of Attiki SA (“EDA”) which is ultimately controlled by the Greek State, acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the Greek Attiki Gas supply Company SA (“EPA”) by way of purchase of shares in a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are :
 - for Investor : investment vehicle created to acquire the participation in EPA
 - for Shell Gas: holding company part of the Netherlands/UK based Royal Dutch/Shell companies engaged in the exploration, production and sale of oil and natural gas, chemicals and power generation.

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.

- for Cinergy: US energy company
 - for EDA : Gas distribution company for the region of Attiki (Greece)
 - for EPA : the JV company that will sell gas to small consumers (less than 10 mio cubic metres p.a.) in the region of Attiki.
3. 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 section 4(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89².
 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 (EEC) No. 4064/89.

For the Commission,
(Signed)
Mario MONTI
Member of the Commission

² OJ C 217, 29.07.2000, p. 32.