

***Case No COMP/M.2855 -
ELECTRABEL S.A. /
ACEA S.P.A.***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 27/08/2002

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27/08/2002
SG (2002) D/231404-405

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To The Notifying Parties

Dear Sirs,

Subject: Case No. COMP/M.2855 – ELECTRABEL/ACEA

Notification of 25.07.2002 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89¹. Publication in the Official Journal of the European Communities No 183 of 01.08.2002.

1. On 25/07/2002, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 by which the undertakings Electrabel S.A. (Belgium), belonging to the group Suez Lyonnaise des Eaux and ACEA S.p.A (Italy), which is controlled by the Municipality of Rome, acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control by purchase of shares in a newly created company constituting a joint venture.

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.

2. The business activities of the undertakings concerned are :
 - for Electrabel: production, trade and transmission of electricity and natural gas.
 - ACEA : production, transmission and sale of electricity, provision of heating services and public lighting systems.
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 paragraph 4, subparagraph c, 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

² OJ C 217, 29.07.2000, p. 32.