

***Case No COMP/M.3114 -
UNIÓN FENOSA / ENI /
UNION FENOSA GAS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 21/05/2003

*Also available in the CELEX database
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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21/05/2003

SG (2003) D/229852/229853

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties

Dear Sirs,

Subject: Case No. COMP/M.3114 - UNION FENOSA/ENI/UNION FENOSA GAS

Notification of 11 April 2003 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89¹

Publication in the Official Journal of the European Communities No. C 100 of 26.4.2003, page 22.

1. On 11 April 2003, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the Italian undertaking ENI S.p.A.. (ENI) acquires within the meaning of Article 3(1)(b) of the Regulation joint control of the Spanish undertaking Unión Fenosa Gas S.A. (UF Gas), controlled by the Spanish undertaking Unión Fenosa S.A.(UF) by way of purchase of shares. Following the concentration UF Gas will be jointly controlled by ENI and by UF.

The business activities of the undertakings concerned are :

- for ENI: exploration and production of oil and natural gas world-wide, generation of electricity in Italy;

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 UF: generation and sale of electricity; activities related to the gas sector, telecommunications, engineering & information technology and management consulting;
 - for UF Gas: gas related activities.
2. 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.
 3. 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.