

***Case No COMP/M.4060 -  
ENDESA EUROPA /  
ZEDO***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 09/01/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 09/01/2006

SG-Greffe(2005) D/200037

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

Dear Madam(s) and/or Sir(s),

**Subject: Case No. COMP/M.4060 – ENDESA / ZEDO**  
**Notification of 30.11.2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004<sup>1</sup>**  
**Publication in the Official Journal of the European Union No. C 310 of 8 December 2005, page 9.**

1. On 30.11.2005 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Endesa Europa S.L. (“Endesa Europa”), belonging to the group Endesa S.A. (“Endesa”, Spain), acquires control of the whole of the undertaking Zespół Elektrowni Dolna Odra Spółka Akcyjna in Nowe Czarnowo S.A. (“Zedo”, Poland) by way of purchase of shares.
2. The business activities of the undertakings concerned are :
  - for undertaking Endesa: Spanish electricity operator also active in the gas sector. Endesa is also active in the electricity sector in other European countries, especially Portugal, France, Italy and Germany and to limited extent in the Netherlands and Poland as well as in South America and North Africa.

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<sup>1</sup> OJ L 24, 29.1.2004 p. 1

- for undertaking Zedo: Polish state owned company mainly active in the electricity and district heat markets in Poland.
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5 subparagraphs b and c(i) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004<sup>2</sup>.
  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 (EC) No. 139/2004.

For the Commission, signed,  
Neelie KROES  
Member of the Commission

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<sup>2</sup> OJ C 56, 05.3.2005 p.32