

***Case No COMP/M.4266 -
ATEL ENERGIA /
AZIENDA
ENERGETICA -
ETSCHWERKE /
ENERG.IT***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 17/08/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17/08/2006

SG-Greffe(2006) D/204647

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

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

Subject: Case No. COMP/M.4266 – Atel Energia / Azienda Energetica- Etschwerke / Energ.it
Notification of 12/7/2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 169, 21/07/2006, p.4

1. On 12/07/2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Atel Energia S.r.l. (“Atel”, Switzerland) controlled by Motor Columbus AG (“MC” Switzerland) and Azienda Energetica S.p.A. – Etschwerke AG (“AE-EW”, Italy) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Energ.it (“Energ.it”, Italy) by way of purchase of shares.

¹ OJ L 24, 29.1.2004 p. 1

2. The business activities of the undertakings concerned are :
- for Atel: electricity generation and wholesale supply and provision of some minor ancillary/balancing services and other energy services;
 - for AE-EW: electricity generation, distribution, transmission, wholesale and retail supply and provision of some minor ancillary/balancing services and other energy services;
 - for Energ.it: electricity generation, wholesale and retail supply.
2. 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 (a) and (c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004².
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 (EC) No. 139/2004.

For the Commission
signed
Philip LOWE
Director General

² OJ C 56, 05.3.2005 p.32