

***Case No COMP/M.4295 -
ENDESA / FOSTER
WHEELER / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 16/08/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16/08/2006

SG-Greffe(2006) D/204613/204614

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.4295 – Endesa / Foster Wheeler / CE Ferrara / CE Teverola
Notification of 17.07.2006 pursuant to Article 4 of Council Regulation (EEC) No.
139/2004¹
Publication in the Official Journal of the European Union No. C 175, 27/07/2006,
p 7**

1. On 17.07.2006, the Commission received a notification of a proposed concentration by which the undertakings Endesa Europa S.L. (“Endesa“, Spain) and Foster Wheeler Italiana S.p.A. (“FWI”, Italy), belonging to Foster Wheeler Ltd. Group, acquire joint control of the undertakings Centro Energia Ferrara S.p.A. (“CEF”, Italy) and Centro Energia Teverola S.p.A. (“CET”, Italy) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Endesa: production and commercialisation of energy;
 - for FWI: engineering, construction and power generation equipment;
 - for CEF: electricity generation;
 - for CET: electricity generation.

¹ OJ L 24, 29.1.2004 p. 1

3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 139/2004 and of paragraph 5, subparagraph c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 139/2004².
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. 139/2004.

For the Commission,

Philip LOWE
Director General

² OJ C 56, 05.3.2005 p.32