

***Case No COMP/M.4380 -
EST / DALMINE***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 29/09/2006

***In electronic form on the EUR-Lex website under document
number 32006M4380***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29-IX-2006

SG-Greffe(2006) D/205458

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.4380 – EST/ Dalmine

Notification of 25.08.2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹

Publication in the Official Journal of the European Communities No. C 210, 01.09.2006, page 43.

1. On 25 August 2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004² by which the undertaking E.ON Sales & Trading GmbH (“EST”, Germany) controlled by E.ON AG (“E.ON”, Germany) acquires within the meaning of Article 3(1)(b) of the Council Regulation sole control of the undertaking Dalmine Energie S.p.A. (“Dalmine”, Italy) by way of purchase of shares.

¹ OJ L 24, 29.1.2004 p. 1.

² OJ L 24, 29.1.2004 p. 1

2. The business activities of the undertakings concerned are:
 - for EST: activities related to the supply of gas and electricity;
 - for Dalmine: the wholesale supply of gas and the retail supply of electricity and gas to industrial and commercial customers in Italy.
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 subparagraph c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
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
Philip LOWE
Director General

³ OJ C 56, 05.3.2005 p. 32.