

***Case No COMP/M.4675 -  
IBERDROLA / API / SER  
JV***

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: 18/06/2007

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.VI.2007

SG-Greffe(2007) D/203614/5

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying parties**

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

**Subject: Case No. COMP/M.4675 - Iberdrola / api / Ser JV  
Notification of 11/05/2007 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 112 of 22/05/2007, page 21.**

1. On 11 May 2007, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Iberdrola S.A. ("Iberdrola", Spain) and api holding S.p.A. ("api", Italy) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Società Energie Rinnovabili S.r.l. ("SER", Italy) by way of purchase of shares in an existing company, which will constitute a joint venture.
2. The business activities of the undertakings concerned are:
  - for Iberdrola: generation, transmission, distribution, supply and trading of electricity, and the supply of natural gas;

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

- for api: commercialisation and distribution of oil products as well as the generation and wholesale supply of electricity in Italy;
  - for SER: the generation and wholesale supply of electricity from wind power 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 a and c, 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,  
Philip LOWE  
Director General

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