

***Case No COMP/M.5494 -  
ENEL / ENDESA***

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: 07/04/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.4.2009  
SG-Greffe(2009) D/2106  
C(2009)2881

SIMPLIFIED PROCEDURE

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

PUBLIC VERSION

**To the notifying party**

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

**Subject: Case No COMP/M.5494 - ENEL / ENDESA**  
**Notification of 10.03.2009 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 62, 17.03.2009, p.22**

1. On 10.03.2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Enel S.p.A (Enel, Italy) acquires within the meaning of Article 3(1)(b) of the Council Regulation sole control of the undertaking Endesa S.A (Endesa, Spain) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - for Enel : is active in the generation, distribution and supply of electricity in Italy, Spain, Bulgaria, Romania, Greece, Slovakia, Russia, France and North-South America. It is also active in electricity trading throughout Europe and in the purchase and sale of natural gas;
  - for Endesa : is active in the generation, distribution and supply of electricity in Spain, Portugal, the Netherlands, France, Germany, Greece, Ireland, South America and North Africa. It is also active in electricity trading throughout Europe and natural gas, coal mining and real estate in Spain.

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<sup>1</sup> 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 (EC) No 139/2004 and of paragraph 5(d) 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.