

***Case No COMP/M.5767 -  
SORGENIA/ J&P/  
ARGESTIS***

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: 03/02/2010

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EUROPEAN COMMISSION

Brussels, 03/02/2010  
SG-Greffe(2010) D/1275/1276  
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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.5767 - SORGENIA/ J&P/ ARGESTIS  
Notification of 04/01/2010 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 006 of  
12/01/2010, p. 19.**

1. On 04/01/2010, the Commission received notification of a proposed concentration pursuant to Article 4 of the EC Merger Regulation by which the undertakings Sorgenia S.p.A. ("Sorgenia", Italy), controlled by the CIR Group ("CIR", Italy), which is ultimately controlled by Cofide ("Cofide", Italy), and J&P Avax S.A. ("J&P", Greece), acquire within the meaning of Article 3(1)(b) of the EC Merger Regulation joint control of the undertaking Argestis S.A. ("Argestis", Greece) by way of purchase of shares in a newly created company constituting a joint venture.

The business activities of the undertakings concerned are:

- Sorgenia: active in the generation, wholesale and retail trading of gas and electricity in Italy;
- J&P Avax: mainly active in the market for engineering and construction services;
- Argestis: will be active in the market for electricity trading and generation.

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1 (the "EC Merger Regulation").

2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of the EC Merger Regulation and of paragraph 5(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
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 the EC Merger Regulation.

For the Commission  
(Signed)  
Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005, p. 32 ("Notice on a simplified procedure").