

EN

***Case No COMP/M.6299 -  
KKR / SORGENIA /  
SORGENIA FRANCE***

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: 09/08/2011

***In electronic form on the EUR-Lex website under document  
number 32011M6299***



EUROPEAN COMMISSION

Brussels, 9.8.2011  
C(2011)5888

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying parties**

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

**Subject: Case No COMP/M.6299 – KKR / SORGENIA / SORGENIA FRANCE  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No  
139/2004<sup>1</sup>**

1. On 11/07/2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which investments funds affiliated with KKR & Co. L.P. ("KKR", USA) and Sorgenia S.p.A. ("Sorgenia", Italy), which is part of the group of companies controlled by Cofide, acquire, within the meaning of Article 3(1)(b) of the Merger Regulation, indirect joint control of Sorgenia France S.A. ("Sorgenia France", France), currently solely controlled by Sorgenia, by way of purchase of shares.<sup>2</sup>

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

<sup>2</sup> Publication in the Official Journal of the European Union No C 212, 19/07/2011, p.36

2. The business activities of the undertakings concerned are:
- KKR: provision of alternative asset management services and capital markets solutions;
  - Sorgenia: generation, wholesale and retail trading of gas and electricity essentially in Italy;
  - Sorgenia France: generation of electricity in France from renewable sources.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>3</sup>.
4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

*For the Commission*

*(signed)*  
*Alexander ITALIANER*  
*Director General*

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<sup>3</sup> OJ C 56, 5.3.2005, p. 32.