

EN

***Case No COMP/M.6307 -
CASSA DEPOSITI E
PRESTITI / OMV GAS /
TRANS AUSTRIA
GASLEITUNG JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 19/12/2011

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EUROPEAN COMMISSION

Brussels, 19.12.2011
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PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties :

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

**Subject: Case No COMP/M.6307 - CASSA DEPOSITI E PRESTITI / OMV GAS / TRANS AUSTRIA GASLEITUNG JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004¹**

1. On 14/11/2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Cassa Depositi e Prestiti S.p.A. ("CDP", Italy) and OMV Gas GmbH ("OGG", Austria) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Trans Austria Gasleitung GmbH ("TAG", Austria), currently jointly controlled by OGG and ENI B.V., a subsidiary of ENI S.p.A. ("ENI", Italy), by way of purchase of shares.²
2. The business activities of the undertakings concerned are:
 - for CDP: joint-stock company under public control of the Italian Government;
 - for OGG: oil exploration and production, refining and distribution of mineral oil products, petrochemical industry, exploration production and distribution of gas;

¹ 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.

² Publication in the Official Journal of the European Union No C 343, 23/11/2011, p.17

- for TAG: provision of natural gas transportation services to Italy and, to a lesser extent, of gas transportation services to customers in Austria.
- 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(b) 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 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.
 5. This decision is without prejudice to the transposition and application of the Directive 2009/73/EC and Regulation 715/2009 (third package) on the establishment of an internal market for energy and in particular on the different models of unbundling foreseen therein.

For the Commission

(signed)
Alexander ITALIANER
Director General

³ OJ C 56, 5.3.2005, p. 32.