

***Case No COMP/M.6409 -
GAZPROM SCHWEIZ/
PROMGAS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 02/12/2011

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EUROPEAN COMMISSION

Brussels, 02/12/2011
C(2011)9132

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party :

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

**Subject: Case No COMP/M.6409 - GAZPROM SCHWEIZ/ PROMGAS
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 07/11/2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Gazprom Schweiz AG ("Gazprom Schweiz", Switzerland) controlled by Gazprom export LLC ("Gazprom export", Russian Federation), itself controlled by Open Joint Stock Company Gazprom ("Gazprom", Russian Federation), acquires from ENI S.p.A. ("ENI", Italy) within the meaning of Article 3(1)(b) of the Merger Regulation a 50% stake in Promgas S.p.A. ("Promgas", Italy), currently jointly controlled by ENI and Gazprom export, by way of purchase of shares².
2. The business activities of the undertakings concerned are:
 - Gazprom: the exploration, production, transportation, refining and marketing of natural gas and petrochemical products.

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 335, 16/11/2011, p.23

- Gazprom export: export of natural gas, oil, petroleum derivatives and other products of the petroleum and petrochemical industries to Europe and participation in energy investment projects.
 - Gazprom Schweiz: exploration, production and sale of hydrocarbons.
 - Promgas: wholesale supply of natural gas through mains in Italy.
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(d) 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.

For the Commission
(signed)
Alexander ITALIANER
Director General

³ OJ C 56, 5.3.2005, p. 32.