



EUROPEAN COMMISSION
DG Competition

***Case M.8445 - DUFERCO
ENERGIA / ENERGHE***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 18/04/2017

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EUROPEAN COMMISSION

Brussels, 18.4.2017
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PUBLIC VERSION

To the notifying party

**Subject: Case M.8445 - DUFERCO ENERGIA / ENERGHE
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

Dear Sir or Madam,

1. On 22 March 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Duferco Energia S.p.A. ("Duferco", Italy) acquires, within the meaning of Article 3(1)(b) of the Merger Regulation, sole control over a business unit ("Target") of Energhe S.p.A. ("Energhe", Italy) by way of a purchase of assets.³
2. The business activities of the undertakings concerned are:
 - Duferco includes companies active in different economic sectors; the portfolio is diverse and includes steel, energy and shipping among its main business activities. Duferco's activities in the energy sector include trading, renewable power production and origination, wholesale and retail;
 - The Target is a business unit of Energhe S.p.A., a company belonging to the Ferrero group, the main business activity of which is to sell energy.

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 OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

³ Publication in the Official Journal of the European Union No C 105, 4.4.2017, p. 6.

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 139/2004.⁴
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 and Article 57 of the EEA Agreement.

For the Commission

(Signed)
Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.