



EUROPEAN COMMISSION
DG Competition

Case M.8983 - SPIGAS / CANARBINO / MIOGAS

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 31/08/2018

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EUROPEAN COMMISSION

Brussels, 31.8.2018
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PUBLIC VERSION

To the Notifying Parties

Subject: Case M.8983 - SPIGAS / CANARBINO / MIOGAS
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 7 August 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Spigas S.r.l. (“Spigas”) (Italy), controlled by EnBW Energie Baden-Württemberg AG (“EnBW”) (Germany) and Canarbino S.p.A. (“Canarbino”) (Italy) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over Miogas & Luce S.r.l. (“Miogas”) (Italy) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - Spigas is active on the markets for the wholesale supply of gas, primarily in Italy, but also in other markets in the EU. Spigas focusses on industrial gas customers with an annual consumption greater than 1 000 000 m³ as well as on small gas end customers in certain Italian regions,
 - Canarbino operates as a vertically integrated company in the energy supply chain, both in gas and electricity. Canarbino is active in the trading, wholesale and retail of electricity and natural gas. Canarbino's retail activities are focused on central and northern Italy (including Milan),

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 286, 14.8.2018, p. 5.

- Miogas is predominantly active as a regional retail supplier of natural gas and electricity for about 35 000 customers in the south-western belt of Milan, mainly in the municipalities of Gaggiano, Binasco, Rozzano and Melegnano.
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(a) 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.