



EUROPEAN COMMISSION
DG Competition

Case M.11182 - DEPA / GT / GENER / FIER

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 11/12/2023

***In electronic form on the EUR-Lex website under document
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EUROPEAN COMMISSION

Brussels, 11.12.2023
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PUBLIC VERSION

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Heraklion, 141 21
Attica
Greece

GEK TERNA S.A.
85 Mesogeion Avenue
115 26, Athens
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Gener 2 Sh.p.k.
Rr. Papa Gjon Pali 2
ABA Business Center, 7th floor
Tirana, 1010
Albania

**Subject: Case M.11182 – DEPA / GT / GENER / FIER
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 17 November 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which DEPA Commercial S.A. ('DEPA', Greece, GEK TERNA S.A. ('GT', Greece) and GENER 2 SH.P.K ('GEN', Albania), will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertaking FIER Thermolectric SHA ('FIER', Albania) by way of purchase of shares.³

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, OJ C, C/2023/1266, 28.11.2023.

2. The business activities of the undertakings concerned are the following:
 - DEPA is a major gas supplier in Greece active in the supply, wholesale and retail trading of natural gas, as well as in the retail supply of electricity,
 - GT is active in the fields of construction, infrastructure, energy production, supply and trading of clean energy from thermal and renewable sources, supply and trading of electricity, concessions, waste management, mining and real estate development and management,
 - GEN is a company active in the fields of construction, infrastructure, civil works, energy, real estate development, telecommunications, retail and concessions with presence in the Albanian market and in the broader region,
3. FIER is the owner, license holder, developer, and operator of a thermal power plant, and in particular of a Combined Cycle Gas Turbine near Fier, Albania.
4. 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 treatment for certain concentrations under Council Regulation (EC) No 139/2004.⁴
5. 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)
Olivier GUERSENT
Director-General

⁴ OJ C 160, 5.5.2023, p. 1–10.