EUROPEAN COMMISSION

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PUBLIC VERSION

Mytilineos S.A.
8 Artemidos Street, Maroussi
15125 Attica
Greece

Subject: **Case M.11395– MYTILINEOS / VOLTERRA**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004 ([1]) and Article 57 of the Agreement on the European Economic Area ([2])

Dear Sir or Madam,

(1) On 13 February 2024, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation. The undertakings are MYTILINEOS S.A. ("MYTILINEOS", Greece), and VOLTERRA ANONYMI ETAIREIA PARAGOGIS KAI EMPORIAS ENERGEIAS ("VOLTERRA", Greece), controlled by AVAX ANONYMI ETAIREIA – ERGOLIPTIKI – TOURISTIKI – EMPORIKI – VIOMICHANIKI – OIKODOMIKON YLIKON KAI MICHANIMATON ("AVAX", Greece). MYTILINEOS will acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the whole of the undertaking VOLTERRA by way of purchase of shares. ([3])

(2) The business activities of the undertakings concerned are the following:

– for MYTILINEOS: energy (including production and wholesale and retail supply of electricity, as well as wholesale and retail supply of natural gas) and metallurgy,

– for VOLTERRA: energy (particularly retail supply of electricity and natural 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]) OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').
([3]) OJ C, C/2024/1648, 21.02.2024.

(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) and 8 of the Commission Notice on a simplified treatment for certain concentrations under Council Regulation (EC) No 139/2004. ([4])

(4) For the reasons set out in the Notice on a simplified treatment, 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 (the 'Notice on a simplified treatment').