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PUBLIC VERSION

Cogenio S.R.L.
Viale Di Tor Di Quinto, 45/47
00191 – Rome
Italy

Avio S.p.A
Via Leonoda Bissolati, 76
00187 – Rome
Italy

Subject: **Case M.10558 – COGENIO / AVIO / TERMICA COLLEFERRO**
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 12 November 2021, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Cogenio S.r.l. ("Cogenio", Italy), belonging to the M&G group, and Avio S.p.A. ("Avio", Italy) acquire within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertaking Termica Colleferro S.p.A. ("Termica Colleferro", Italy) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – Cogenio operates in the field of plant engineering and services related to the production, distribution and use of electrical energy, heating, steam and cooling systems and energy efficiency systems. It develops energy efficiency projects for Italian commercial and industrial groups, through cogeneration, trigeneration, photovoltaic and energy storage projects,

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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 467, 19.11.2021, p. 8.

– Avio is active in the aerospace industries. It develops and sells launching systems and tactic missiles and is active in the research and development of new materials and equipment for space applications,

– Termica Colleferro is active in the energy sector, namely in the electricity and thermic energy production. It holds and operates a cogeneration plant 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(a) and 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)
Olivier GUERSENT
Director-General

4 OJ C 366, 14.12.2013, p. 5.