C/2023/1266

28.11.2023

Prior notification of a concentration

(Case M.11182 – DEPA / GEK TERNA / GENER / FIER)

Candidate case for simplified procedure

(Text with EEA relevance)

(C/2023/1266)

1. On 17 November 2023, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]).

This notification concerns the following undertakings:

— DEPA Commercial S.A. ('DEPA', Greece),

— GEK TERNA S.A. ('GT', Greece),

— GENER 2 SH.P.K ('GEN', Albania),

— FIER Thermoelectric SHA ('FIER', Albania).

DEPA, GT and GENER will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of FIER.

The concentration is accomplished by way of purchase of shares.

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;

— 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.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified treatment for certain concentrations under Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings ([2]) it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.11182 – DEPA / GEK TERNA / GENER / FIER

Observations can be sent to the Commission by email or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
([2]) OJ C 160, 5.5.2023, p. 1.

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