



## **PRESS RELEASE**

### **Antitrust announcement regarding procedures for the sale of Enel's shareholdings in Edipower**

Rome, 29 November 2011 – Acea announces its satisfaction with the statement published by the Antitrust Authority regarding the "Procedures for the sale of Enel SpA's shareholdings in Eurogen, Elettrogen and Interpower", following the Company's complaint against EdF.

The complaint is aimed at obtaining recognition of the damage to the Company's position in the electricity market as a result of EdF's actions, following the French company's illegal purchase in 2005, via its subsidiary Edison, in partnership with AEM Milano (now A2A), of a majority interest in Edipower SpA, thus exceeding the threshold of 30% set by the Prime Ministerial Decree of 8 November 2000 (supported at the time by Edison).

The violation, according to the Antitrust Authority, *"... has resulted in the consolidation of the positions of certain operators in the Italian electricity generation market, a situation that continues today. This has affected other public operators (both Italian and overseas) who have complied with the above threshold, and who have thus seen limitations placed on their growth in the electricity generation market. This has had prejudicial effects on the existing market situation and will unavoidably influence the market of the future"*.

The Authority also highlights the fact that judicial settlements in favour of companies that have complied with the 30% threshold *"... whilst compensating private interests ... certainly do not offer any protection for the public interest, in terms of safeguarding market competition between companies acting within the law"*.

In the light of the Antitrust announcement, Acea hopes that the competent Authorities will take decisive action in order to guarantee respect for the law, eliminating the prejudicial effects and distortion of competition caused by the above violation and ensuring that adequate compensation is received for the damage incurred.

To this end, the Company, advised by the Tonucci law firm, intends to take all the legal steps open to it.

#### **Acea SpA**

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