

***Case No COMP/M.6335 - ABERTIS
INFRAESTRUCTURAS/ GOLDMAN
SACHS GROUP/ AUTOPISTAS
METROPOLITANAS DE PUERTO RICO***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 31/08/2011



EUROPEAN COMMISSION

Brussels, 31.08.2011
C(2011) 6308

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

Dear Madam(s) and/or Sir(s),

Subject: Case No COMP/M.6335 – ABERTIS INFRAESTRUCTURAS/ GOLDMAN SACHS GROUP/ AUTOPISTAS METROPOLITANAS DE PUERTO RICO Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004¹

1. On 01/08/2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Goldman Sachs Group, Inc. ("Goldman Sachs", United States of America), and Abertis Infraestructuras S.A. ("Abertis", Spain) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Autopistas Metropolitanas de Puerto Rico, LLC ("Autopistas Puerto Rico", United States of America) by way of purchase of shares in a newly created joint venture company.²

2. The business activities of the undertakings concerned are:

- for Goldman Sachs: global investment banking, securities and investment management worldwide.
- for Abertis: provision of mobility and telecommunications infrastructure services

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 Publication in the Official Journal of the European Union No C231, 06.08.2011, p.11.

- for Autopistas Puerto Rico: management and operation of toll road concessions in Puerto Rico.

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 paragraph 5(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.

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.

For the Commission
(signed)
Alexander ITALIANER
Director General

³ OJ C 56, 5.3.2005, p. 32.