

EN

***Case No COMP/M.5905 -
SACYR / EISER /
AUNOR / TURIA /
ITEMOSA / ITEPESA***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 01/07/2010

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PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties:

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

Subject: Case No COMP/M.5905 - SACYR / EISER / AUNOR / TURIA / ITEMOSA / ITEPESA
Notification of 04.06.2010 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 155, 15.06.2010, p.11

1. On 4 June 2010, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Eiser Infrastructure Ltd. ("Eiser", UK) acquires within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertakings Autovía del Noroeste Concesionaria, S.A. ("Aunor", Spain), Autovía del Turia Concesionaria de la Generalitat Valenciana, S.A. ("Turia", Spain), Intercambiador de Transportes Moncloa S.A. ("Itemosa", Spain) and Intercambiador de Transportes Plaza Elíptica, S.A. ("Itepesa", Spain), all four currently controlled by Sacyr Vallehermoso S.A. ("Sacyr", Spain), by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for undertaking Sacyr: construction, maintenance and operation of public infrastructure concessions;

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.

- for undertaking Eiser: investing into and managing infrastructure activities;
 - for undertakings Aunor, Turia, Itemosa and Itepesa: maintenance and operation of a public infrastructure concession.
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 paragraphs 5(a) and 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².
 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

² OJ C 56, 5.3.2005, p. 32.