

***Case No COMP/M.5956 -  
EADS/ OPIP/ JV***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 23/09/2010

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EUROPEAN COMMISSION

Brussels, 23.09.2010  
SG-Greffe(2010) D/14440/14441  
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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.5956 – EADS/ OPIP/ JV  
Notification of 26.08.2010 pursuant to Article 4 of Council Regulation (EC) No  
139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No C 237,  
02.09.2010, p.20**

1. On 26.08.2010, the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings EADS Deutschland GmbH ("EADS DS", Germany), belonging to the EADS group (The Netherlands), and Odebrecht Plantas Industriais e Participações S.A. ("OPIP", Brazil), controlled by Odebrecht S.A. (Brazil), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a newly created company constituting a joint venture ("JV"), by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - EADS DS: integrated defence and security solutions. EADS group is active in aircrafts, telecommunications equipment, defence and security systems and satellites,

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<sup>1</sup> 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.

- OPIP: engineering, civil construction and industrial assembly services. Odebrecht S.A. is a business conglomerate active in several areas (engineering, construction, chemical, petrochemical industries, oil and gas, environmental engineering, real-estate developments, infrastructure investments, and bio energy),
  - JV: market electronic defence and security systems and products.
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) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.
  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 European Commission,  
(signed)  
Alexander ITALIANER  
Director General