

***Case No COMP/M.4884 -
FCC / PORR / AUTOPUT***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 08/04/2008

***In electronic form on the EUR-Lex website under document
number 32008M4884***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 08-IV-2008

SG-Greffe (2008) D/201668

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.4884 – FCC/ PORR/ AUTOPUT
Notification of 28/02/2008 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 62, 7.3.2008,
p.5**

1. On 28 February 2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings FCC Construcción S.A. ("FCC", Spain) and Allgemeine Baugesellschaft – A. Porr Aktiengesellschaft ("PORR", Austria) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Server-Jug Autoput d.o.o. ("Autoput", Serbia), currently solely controlled by FCC, by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for FCC: construction, services, cement and real estate,
 - for PORR: construction, building materials and project development,

¹ OJ L 24, 29.1.2004 p. 1.

- for Autoput: design, construction, operation and maintenance of the Horgoš-Požega highway in Serbia.
- 3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5, subparagraph a, 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 Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EC) No. 139/2004.

For the Commission
signed
Philip LOWE
Director General

² OJ C 56, 5.3.2005, p.32.