

***Case No COMP/M.5288 -
GMR
INFRASTRUCTURE
(MALTA) / ONTARIO
TEACHERS' PENSION
PLAN / INTERGEN***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 12/09/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.09.2008
SG-Greffe(2008) D/205420/205421
C(2008) 5157

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.5288 - GMR INFRASTRUCTURE (MALTA)/ ONTARIO TEACHERS' PENSION PLAN/ INTERGEN
Notification of 13.08.2008 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 214 of 22.08.2008, page 15.**

1. On 13.08.2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings GMR Infrastructure Limited (Malta) Ltd. controlled by GMR Holdings Private Ltd and belonging to the GMR group ("GMR", India) and Ontario Teachers' Pension Plan Board ("OTPPB", Canada) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking InterGen N.V. ("InterGen", the Netherlands) by way of purchase of shares.
2. The business activities of the undertakings concerned are :
 - for GMR: corporate group active in airports, energy, highways and urban infrastructure;

¹ OJ L 24, 29.1.2004, p. 1.

- for OTPPB: responsible for investments of pension fund assets;
 - for InterGen: active in development and operation of electricity generation facilities.
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 b 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, 05.3.2005, p. 32.