

***Case No COMP/M.5475 -
ATLANTIA / ACCIONA /
ITINERE CHILEAN***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 26/02/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.02.2009
SG-Greffe(2009) D/1206
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PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party

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

Subject: Case No COMP/M.5475 - ATLANTIA/ACCIONA/ITÍNERE CHILEAN ASSETS
Notification of 30.01.2009 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 31, 07.02.2009, p. 19

1. On 30.01.2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Atlantia S.p.A. (Italy) acquires, within the meaning of Article 3(1)(b) of the Council Regulation and together with the undertaking Acciona (Spain), joint control of part of the undertaking Itínere (Spain).

The business activities of the undertakings concerned are :

- for undertaking Atlantia: Toll motorways in Italy and abroad,
- for undertaking Acciona: Infrastructures, energy, water and concession services,
- for undertaking Itínere: The assets to which the notification refers are toll motorways in Chile.

¹ OJ L 24, 29.1.2004, p. 1.

2. 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(a) and 5(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².
3. 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.