

***Case No COMP/M.6404 -
HOCHTIEF SOLUTIONS/
VENTIZZ/ JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 24/11/2011

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EUROPEAN COMMISSION

Brussels, 24.11.2011
C(2011)8850

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties

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

**Subject: Case No COMP/M.6404 - HOCHTIEF SOLUTIONS/ VENTIZZ/ JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 21.10.2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Hochtief Solutions AG ("Hochtief Solutions", Germany) and Ventizz Capital Fund IV L.P. ("Ventizz IV", Jersey) 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", Luxembourg) by way of a purchase of shares².
2. The business activities of the undertakings concerned are:
 - for Hochtief Solutions: active in a number of different business areas, including service solutions, real estate solutions, energy and infrastructure solutions, international project solutions, classic solutions and engineering solutions. Hochtief Solutions is part of the Hochtief Aktiengesellschaft group of companies, which is controlled by Actividades de Construcción y Servicios, S.A. (Spain).

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.

² Publication in the Official Journal of the European Union No C 315, 28.10.2011, p.11

- for Ventizz IV: a private equity fund investing primarily in the German speaking regions in high tech companies and providing these companies with additional equity.
 - for JV: active in the project development for offshore wind farms primarily in the North Sea and the Baltic Sea.
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) and (c)i/(c)ii of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
 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

³ OJ C 56, 5.3.2005, p. 32.