

***Case No COMP/M.6448 -
OPTRUST/ PGGM/ GLOBAL VIA
INFRAESTRUCTURAS/
GLOBAL VIA INVERSIONES***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 24/01/2012

***In electronic form on the EUR-Lex website under document
number 32012M6448***



EUROPEAN COMMISSION

Brussels, 24/01/2012
C(2012)492

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.6448 – Optrust/ PGGM/ Global Vía Infraestructuras/
Globalvía
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 20 December 2011, the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004² by which the undertakings OPSEU Pension Plan Trust Fund, ("OPTrust", Canada), PGGM N.V. ("PPGM", Netherlands) and Global Vía Infraestructuras ("Global Vía Infraestructuras", Spain) jointly controlled by Fomento de Construcciones y Contratas, S.A., and Corporación Financiera Caja Madrid, S.A., acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Globalvía Inversiones ("Globalvía", Spain) by way of contract.

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 OJ L 24, 29.1.2004, p. 1 (the "Merger Regulation")

2. The business activities of the undertakings concerned are:
 - for OpTrust: pension fund management for the Ontario Public Service Employees Union;
 - for PGGM: pension fund management in the Netherlands;
 - for Global Vía Infraestructuras: construction and management of infrastructure concessions;
 - for Globalvía: construction and management of infrastructure concessions.
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(c) 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.