

***Case No COMP/M.6499 - FCC/
MITSUI RENEWABLE ENERGY/
FCC ENERGIA***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 12/03/2012

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EUROPEAN COMMISSION

Brussels, 12/03/2012
C(2012) 1768

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.6499 - FCC/ MITSUI RENEWABLE ENERGY/ FCC ENERGIA
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004¹**

1. On 10/02/2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Mitsui Renewable Energy Europe Limited ("MREE", U.K.), belonging to the Mitsui group, and Fomento de Construcciones y Contratas, S.A. ("FCC", Spain) indirectly acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over FCC Energia, S.A. ("FCCE", Spain), by way of a purchase of shares².
2. The business activities of the undertakings concerned are:

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 C048, 18/02/2012, p.20

- for the Mitsui group: a global group active in a wide variety of businesses worldwide, ranging from product sales, worldwide logistics and financing to the development of major international infrastructures.
 - for MREE: active in the generation of renewable energy.
 - for FCC: active mainly in environmental services and water management, construction of large infrastructures, cement production, and renewable energy production.
 - for FCCE: active in the generation and wholesale supply of electricity from renewable energies.
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.