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***Case No COMP/M.6679 -
STEAG /
FRONTERASOL / OHL
INDUSTRIAL /
ARENALES SOLAR***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 22/08/2012

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EUROPEAN COMMISSION

Brussels, 22.08.2012
C(2012)5975

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties

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

**Subject: Case No COMP/M.6679 – STEAG/FRONTERASOL/OHL INDUSTRIAL/ARENALES SOLAR
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004¹**

1. On **25/07/2012**, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which STEAG GmbH (via the acquisition vehicle Steag 1. Beteiligungs-GmbH - "STEAG", Germany), Fronterasol B.V., ultimately controlled by Deutsche Bank AG ("Fronterasol/Deutsche Bank", Germany) and OHL Industrial, S.L., part of the Villar Mir Group ("OHL Industrial/Villar Mir", Spain), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Arenales Solar PS, S.L. ("Arenales", Spain) by way of purchase of shares.

The business activities of the undertakings concerned are:

- for STEAG: power generation, integrated solutions in the field of electricity and heat production, power plant related (engineering) services;
- for OHL Industrial/Villar Mir: activities related to fertilizer, ferro-alloys, real estate, energy and the construction of industrial projects;

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.

- for Fronterasol/Deutsche Bank: financial services
 - for Arenales Solar: building and operating a thermosolar power plant in Morón de la Frontera, Seville, Spain².
2. 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.
 3. 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*

² Publication in the Official Journal of the European Union No C 232, 03.08.2012, p.9

³ OJ C 56, 5.3.2005, p. 32.