

EN

***Case No COMP/M.6989 - AQUALIA/ MITSUI/  
SEVEROMORAVKSE VODOVODY A KANALIZACE  
OSTRAVA/ AQUALIA INFRAESTRUCTURAS  
INZENYRING***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION

Date: 02/09/2013

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EUROPEAN COMMISSION

Brussels, 02/09/2013  
C(2013) 5738 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying parties:**

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

**Subject: Case No COMP/M.6989 - AQUALIA/ MITSUI/ SEVEROMORAVKSE  
VODOVODY A KANALIZACE OSTRAVA/ AQUALIA  
INFRAESTRUCTURAS INZENYRING  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No  
139/2004<sup>1</sup>**

1. On 05/08/2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Aqualia Gestión Integral del Agua, S.A. ("Aqualia", Spain), ultimately controlled by Fomento de Construcciones y Contratas S.A., and Mitsui & Co., Ltd. ("Mitsui", Japan) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertakings Severomoravské vodovody a kanalizace Ostrava, a.s. ("SmVaK", Czech Republic) and Aqualia Infraestructuras Inzenyring, s.r.o. ("AII", Czech Republic) by way of purchase of shares.

The business activities of the undertakings concerned are:

- for Aqualia: services for the treatment, recovery, disposal and purification of solid and liquid waste and drinking water, water related civil works, construction and infrastructure, management of the whole water cycle;

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<sup>1</sup> 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 Mitsui: active in various industrial markets, inter alia iron and steel, non-ferrous metals, electronics, chemicals, energy-related commodities, motor vehicle and motorcycle parts, investing in infrastructure assets;
  - for SmVaK: water distribution, wastewater treatment, operation and maintenance of water and wastewater treatment facilities in the Czech Republic and Poland;
  - for AII: design and provision of water and waste water treatment systems for industrial purposes and for municipalities, analysis of water and sewage sludge and water sampling in the Czech Republic.<sup>2</sup>
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 139/2004<sup>3</sup>.
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*

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<sup>2</sup> Publication in the Official Journal of the European Union No C 234 of 13.8.2013, p.7.

<sup>3</sup> OJ C 56, 5.3.2005, p. 32.