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***Case No COMP/M.7103 - USS / OPTRUST / PGGM /  
GLOBAL VIA INFRAESTRUCTURAS / GLOBALVIA***

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: 29/01/2014

***In electronic form on the EUR-Lex website under document  
number 32014M7103***



## EUROPEAN COMMISSION

Brussels, 29.1.2014  
C(2014) 574 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

### **To the notifying parties:**

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

**Subject: Case No COMP/M.7103 - USS / OPTRUST / PGGM / GLOBAL VIA  
INFRAESTRUCTURAS / GLOBALVIA  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No  
139/2004<sup>1</sup>**

1. On 23.12.2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings USS Nero Limited (USS, the United Kingdom), OPSEU Pension Plan Trust Fund (OPTrust, Canada), PGGM N.V. (PGGM, the Netherlands) and Global Vía Infraestructuras, S.A (Global Vía Infraestructuras, Spain), jointly controlled by Fomento de Construcciones y Contratas, S.A., and Bankia S.A., will acquire joint control of Globalvía Inversiones, S.A. (Globalvía, Spain), which is currently jointly controlled by OPTrust, PGGM and Global Vía Infraestructuras, by way of contract.
2. The business activities of the undertakings concerned are:
  - for USS: private sector pension funds in the United Kingdom;

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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 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<sup>2</sup>.
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 139/2004<sup>3</sup>.
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*

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<sup>2</sup> Publication in the Official Journal of the European Union No C 8, 11.1.2014, p. 9.

<sup>3</sup> OJ C 366, 14.12.2013, p. 5.