

***Case No COMP/M.7428 -
IRIDIUM / DIF /
CONCESSION
BUSINESSES***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 30/10/2014

***In electronic form on the EUR-Lex website under document
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EUROPEAN COMMISSION

Brussels, 30.10.2014
C(2014) 8297 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

Dear Madam and/or Sir,

**Subject: Case M.7428 – IRIDIUM / DIF / CONCESSION BUSINESSES
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 06.10.2014, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Iridium Concesiones de infraestructuras S.A. ("Iridium", Spain), a subsidiary of the ACS Group (Spain), and DIF Management B.V. ("DIF", the Netherlands) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over a number of concession businesses by way of purchase of shares in a newly created joint venture and by way of contract of management.
2. The business activities of the undertakings concerned are:
 - Iridium is active in the development, management and maintenance of concessions involving transport and public works infrastructure worldwide;
 - DIF manages investment funds active in high quality infrastructure assets, including public-private partnership projects related to social infrastructure and renewable energy projects, in Europe and North America;

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.

- Concession businesses, which are currently solely or jointly controlled by Iridium, in the hospital infrastructure and transport infrastructure sector in Spain².
- 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)i 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

² Publication in the Official Journal of the European Union No C 362, 14.10.2014, p.15.

³ OJ C 366, 14.12.2013, p. 5.