

***Case No COMP/M.7539 - GIP II/ ACS/ DEVCO***

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: 27/03/2015

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## EUROPEAN COMMISSION

Brussels, 27/03/2015  
C(2015) 2276 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

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

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

**Subject: Case M.7539 - GIP II/ ACS/ DEVCO**  
**Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)**  
**No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European Economic Area<sup>2</sup>**

1. On 4 March 2015, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Global Infrastructure Management, LLC of the United States of America ("GIP") via its fund Global Infrastructure Partners II, and ACS, Servicios, Comunicaciones y Energía, S.L. of Spain ("ACS") will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of the DevCo limited liability company ("DevCo", Spain) by way of purchase of shares in a newly created company constituting a joint venture.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - GIP is an independent infrastructure fund manager. GIP's equity funds invest in high quality infrastructure assets in the energy, transport and water/waste sectors. GIP's funds invest in equity and equity-related investments in infrastructure and infrastructure-related assets in the transportation, energy, water, waste and other public service sectors;

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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.

<sup>2</sup> OJ L 1, 3.1.1994, p.3 ("the EEA Agreement").

<sup>3</sup> Publication in the Official Journal of the European Union No C 084, 12.03.2015, p. 6.

- ACS is active in a wide range of applied engineering services related to the development, construction, maintenance and operation of energy in the following areas: energy, oil & gas, mining, water treatment, hydroelectric, industrial and mobility infrastructures;
  - DevCo will be active in the development, construction and operation of renewable energy assets.
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>4</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 and Article 57 of the EEA Agreement.

*For the Commission*  
*(Signed)*  
*Alexander ITALIANER*  
*Director-General*

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.