



EUROPEAN COMMISSION
DG Competition

Case M.7860 - KH / STRABAG / SPPD

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 12/07/2016

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EUROPEAN COMMISSION

Brussels, 12.7.2016
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PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

Dear Sirs,

**Subject: Case M.7860 - KH / STRABAG / SPPD
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

1. On 10 June 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Kulczyk Holding S.A. ("KH"), a wholly owned subsidiary of Kulczyk Investments S.A. ("KI", Poland), and Strabag Sp. z o.o. ("Strabag"), a wholly owned subsidiary of Strabag SE, Austria, acquire within the meaning of Article 3(4) of the Merger Regulation joint control of a newly created joint venture company SPPD Sp. z o.o. ("SPPD", Poland) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for KH: an investment company belonging to KI, a capital group focussing on investments in a broad range of sectors, including minerals and mining, energy, infrastructure, real estate project development and management, and chemicals. KI concentrates its business investment activities in Europe and Africa. Amongst these, KI holds investment participations in motorway infrastructure and concession projects in Poland.

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.

² OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

³ Publication in the Official Journal of the European Union No C 221, 18/06/2016, p. 8.

- for STRABAG: company active in building constructions, civil engineering and the tunneling sector.
 - for SPPD (joint venture to be renamed A2 Route Sp.z.o.o.): provider of specific so-called heavy maintenance services on public roads and motorways in Poland.
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(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
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)
Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.