



EUROPEAN COMMISSION  
DG Competition

***Case M.9984 - CIMIC /  
ELLIOTT / THIESS***

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: 27/11/2020

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EUROPEAN COMMISSION

Brussels, 27.11.2020  
C(2020) 8564 final

**PUBLIC VERSION**

**To the notifying parties**

**Subject: Case M.9984 – CIMIC / ELLIOTT / THIESS**

**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>**

Dear Sir or Madam,

1. On 30 October 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which CIMIC Group Limited ('CIMIC', Australia) and Elliott Investment Management L.P. ('Elliott', USA) intend to acquire within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation joint control of Thies Pty Ltd ('Thies', Australia), currently controlled by CIMIC.

The concentration is accomplished by way of purchase of shares.<sup>3</sup>

2. The business activities of the undertakings concerned are:
  - for CIMIC: construction and engineering, asset and facility management, mineral processing, as well as mining services (through Thies);
  - for Elliott: investments including non-distressed debt, distressed securities, hedge/arbitrage positions, equity-oriented positions, private equity and private credit positions, currency trading;
  - for Thies: mining services spanning feasibility, planning, development, extraction, asset management & maintenance and remediation.

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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 (the '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 380, 11.11.2020, p. 12.

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.<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)*  
*Olivier GUERSENT*  
*Director-General*

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