



EUROPEAN COMMISSION
DG Competition

***Case M.10993 - T-MOBILE AUSTRIA HOLDING /
MERIDIAM INVESTMENT / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 27/02/2023

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PUBLIC VERSION

T-Mobile Austria Holding GmbH
Rennweg 97-99
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Austria

Meridiam Investment GmbH
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**Subject: Case M.10993 – T-MOBILE AUSTRIA HOLDING / MERIDIAM INVESTMENT / JV
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**

Dear Sir or Madam,

1. On 26 January 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which T-Mobile Austria Holding GmbH ('TMAH', Austria) and Meridiam Investment GmbH ('Meridiam Investment', Austria) will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of the Alpen Glasfaser Holding GmbH ('HoldCo', Austria), a newly created company which will hold all the shares in Alpen Glasfaser GmbH ('FibreCo', Austria), which in turn will hold all the shares in Alpen Glasfaser Zwei GmbH ('FibreCo Subsidized', Austria) (HoldCo, FibreCo and FibreCo Subsidized are jointly referred to as the '**JV**').

The concentration is accomplished by way of purchase of shares in a newly created company constituting a joint venture.³

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 40, 02/02/2023, p. 4.

2. The business activities of the undertakings concerned are the following:
 - TMAH is a telecommunications operator in Austria which, through its subsidiary T-Mobile Austria GmbH, owns mobile networks with nationwide coverage, offers mobile telecommunications services at a retail and wholesale level, and owns and operates a hybrid fibre-coaxial cable network in parts of Austria through which it offers cable TV, fixed internet and fixed telecommunications services to private and business customers,
 - Meridiam Investment is an indirectly wholly owned portfolio company of Meridiam, which is an alternative investment fund manager focussing on long-term infrastructure investments in Europe, the Americas, and Africa.
3. The business activities of the JV will be the following: rolling out a passive optical fibre infrastructure in designated roll-out areas in Austria and offering bitstream access wholesale products to internet service providers.
4. 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(b) for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
5. 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

⁴ OJ C 366, 14.12.2013, p. 5.