



EUROPEAN COMMISSION  
DG Competition

***Case M.11089 - AXPO IBERIA / ACSA OBRAS E  
INFRAESTRUCTURAS / NOGUERA  
RENOVABLES***

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: 08/05/2023

***In electronic form on the EUR-Lex website under document  
number 32023M11089***



EUROPEAN COMMISSION

Brussels, 8.5.2023  
C(2023) 3209 final

**PUBLIC VERSION**

Axpo Iberia, S.L.  
Paseo de la Castellana 95, 20th floor  
28046, Madrid  
Spain

ACSA, Obras e Infraestructuras,  
S.A.U.  
Ronda Guinardó, 99  
08041, Barcelona  
Spain

**Subject: Case M.11089 – AXPO IBERIA / ACSA OBRAS E INFRAESTRUCTURAS / NOGUERA RENOVABLES 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 12 April 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which AXPO IBERIA, S.L.U. ('Axpo Iberia', Spain) and ACSA, OBRAS E INFRAESTRUCTURAS, S.A.U. ('ACSA', Spain), will acquire by way of purchase of shares within the meaning of Article 3(1)(b) of the Merger Regulation joint control over the whole of the undertaking NOGUERA RENOVABLES, S.L. ('Noguera Renovables', Spain), currently controlled by CASA BATISTA, SCCL (Spain), and the plant for the treatment and recovery of slurry and other organic waste for the production of biomethane in Vallfogona de Balaguer, Lérida/Lleida, Spain, to be transferred to Noguera Renovables by one of its shareholders, TORRE SANTAMARIA SCCL.<sup>3</sup>

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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 137, 20.04.2023, p. 8.

2. The business activities of the undertakings concerned are the following:
  - Axpo Iberia, part of the Axpo Group (a Swiss group active in the production of renewable energy), is active in the supply of renewable electricity and gas in Spain and Portugal,
  - ACSA, part of the Spanish Sorigué Group, is active in the provision of construction services (including civil and water works and construction of residential and commercial facilities), and
  - Noguera Renovables is active in the collection, transportation, management, and treatment of organic waste, including the sale of compost, in Spain.
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)*  
*Olivier GUERSENT*  
*Director-General*

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