EUROPEAN COMMISSION

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PUBLIC VERSION

Electricité de France S.A.
22/30 Avenue Wagram,
75008 Paris
France

Vauban Infrastructure Partners S.C.A.
Immeuble le Centorial
16-18 rue du Quatre Septembre
75002 Paris
France

Subject: **Case M.11740 – EDF / VAUBAN INFRASTRUCTURE PARTNERS / ONTOWER AUSTRIA**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004 ([1]) and Article 57 of the Agreement on the European Economic Area ([2])

Dear Sir or Madam,

(1) On 11 September 2024, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertakings Electricité de France S.A. ('EDF', France) controlled by the French State, and Vauban Infrastructure Partners S.C.A. ('Vauban', France), belonging to the group BPCE S.A. ('BPCE', France) will acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over the whole of the undertaking OnTower Austria GmbH ('OnTower Austria', Austria), currently ultimately controlled by Cellnex Telecom S.A. ('Cellnex', Spain), by way of purchase of shares. ([3])

(2) The business activities of the undertakings concerned are the following:

– EDF is active worldwide in all fields of production, supply and transport of electricity. EDF is also active in the provision of other electricity-related services as well as in the gas sector,

([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]) OJ C, C/2024/5659, 18.9.2024.

– Vauban is a European asset management company with a focus on infrastructure equity investments,

– OnTower Austria operates a wireless passive network infrastructure in Austria, consisting of ground-based towers, rooftop towers and other sites, used by mobile operators.

(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 treatment for certain concentrations under Council Regulation (EC) No 139/2004. ([4])

(4) For the reasons set out in the Notice on a simplified treatment, 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 160, 5.5.2023, p. 1 (the 'Notice on a simplified treatment').