EUROPEAN COMMISSION

Brussels, 1.2.2019
C(2019)883 final

PUBLIC VERSION

To the notifying parties:

Subject: **Case M.9244 - OMERS / ALTICE / SFR FTTH**
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 10 January 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings OMERS Infrastructure European Holdings B.V. ("OMERS Infrastructure", The Netherlands), controlled by OMERS Administration Corporation ("OMERS"), and Altice France S.A. ("Altice", France), controlled by Altice Europe N.V., acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of the whole of the undertaking SFR FTTH (France), currently controlled by Altice, by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for OMERS Infrastructure: infrastructure arm of OMERS, the administrator of the Ontario Municipal Employees Retirement System Primary Pension Plan in Canada, which invests globally in infrastructure and private equity assets,

   – for Altice: the provision of telecoms, content, media, entertainment and advertising services,

   – for SFR FTTH: the fibre network activity of the electronic communications operator exclusively controlled by Altice, SFR S.A., in certain areas of France, outside the high density areas as defined by the French electronic communications regulator, the *Autorité de régulation des communications électroniques et des postes*.

---

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 020, 16.01.2019, p. 11.

Commission européenne, DG COMP MERGER REGISTRY, 1049 Bruxelles, BELGIQUE
Europese Commissie, DG COMP MERGER REGISTRY, 1049 Brussel, BELGIË

Tel: +32 229-91111. Fax: +32 229-64301. E-mail: COMP-MERGER-REGISTRY@ec.europa.eu.

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(b) 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.