EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9701 – INFRAVIA / ILIAD / ILIAD 73**
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 13 December 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Iliad S.A. ("Iliad", France) and InfraVia Capital Partners ("InfraVia", France) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly formed joint venture ('Iliad JV', France), by way of purchase of shares in the newly created company constituting a joint venture.[3]

2. The business activities of the undertakings concerned are:

   – For Iliad: provision of fixed and mobile telephony services, internet access and hosting services,

   – For InfraVia: management of investment funds specialised in the infrastructure sector, among which Violin Fiber Infrastructure S.à r.l.,

   – For the joint venture: provision of wholesale local access at a fixed location in France.

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 428, 20.12.2019, p. 43.

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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.[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)
Olivier GUERSENT
Director-General

4 OJ C 366, 14.12.2013, p. 5.