Prior notification of a concentration

(Case M.10623 – REPSOL / TELEFONICA / JV)

Candidate case for simplified procedure

(Text with EEA relevance)

(2022/C 208/08)

1. On 13 May 2022, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]).

This notification concerns the following undertakings:

— Repsol Customer Centric, S.L. ('Repsol CC', Spain), a subsidiary of Repsol, S.A ('Repsol', Spain),

— Telefónica de España, S.A.U. ('Telefónica', Spain), a subsidiary of Telefónica S.A ('TEF', Spain).

Repsol CC and Telefónica will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a joint venture (the 'Joint Venture').

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

2. The business activities of the undertakings concerned and the newly set-up joint venture are the following:

— Repsol: the commercialisation and transportation of oil and gas, the production and commercialisation of asphalt, fuels, specialised products, lubricants, and chemicals for different uses, as well as the development and management of service stations and the generation and commercialisation of electricity and gas,

— TEF: global telecommunications operator and mobile network provider, operating under a number of brands, including Movistar, Virgin Media O2 and Vivo, representing mobile, landline, internet and television services,

— The Join Venture: the implementation of photovoltaic projects in Spain mainly consisting in the acquisition, installation and maintenance of solar panels on the ground or roofs for both households' and businesses' self-consumption, and related activities.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ([2]) it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission no later than 10 days following the date of this publication. The following reference should always be specified:

M.10623 – REPSOL / TELEFONICA / JV

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
([2]) OJ C 366, 14.12.2013, p. 5.

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