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PUBLIC VERSION

Orange Polska S.A.
Al. Jerozolimskie 166
02-326 Warsaw
Poland

APG Asset Management N.V.
Gustav Mahlerplein 3
1082 MS Amsterdam
Netherlands

Subject: **Case M.10295 - ORANGE POLSKA / APG / FIBERCO JV**
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 9 July 2021, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Orange Polska S.A. ("OPL", Poland) and APG Asset Management N.V. ("APG", Netherlands) acquire within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of a newly set up joint venture, Joint venture Światłowód Inwestycje sp. z o.o. ("FiberCo", Poland), by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – For OPL: the provision of fixed and mobile telecommunications services, broadband and Pay-TV services in Poland, and other telecommunications value added services,

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 284, 16.07.2021, p.18.

– For APG: management of assets for pension funds in various sectors, including education, government construction, energy and utility companies, and infrastructure investments,

– For FiberCo: expansion and builing of fiber infrastructure in order to offer wholesale broadband and superfast broadband access services in less densely populated areas in Poland.

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)
Olivier GUERSENT
Director-General

4 OJ C 366, 14.12.2013, p. 5.