# Prior notification of a concentration

## (Case M.10295 — ORANGE POLSKA/APG/FIBERCO JV)

## Candidate case for simplified procedure

**(Text with EEA relevance)**

(2021/C 284/06)

1. On 9 July 2021, 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:

— Orange Polska S.A. ('OPL', Poland)

— APG Asset Management N.V. ('APG', Netherlands)

— Joint venture Światłowód Inwestycje sp. z o.o. ('FiberCo', Poland)

OPL and APG acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of FiberCo.

The concentration is accomplished by way of purchase of shares.

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.

— 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 access services in less dense areas in Poland.

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 the 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 not later than 10 days following the date of this publication. The following reference should always be specified:

M.10295 — ORANGE POLSKA/APG/FIBERCO 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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