Prior notification of a concentration

(Case M.9783 – EQT/OMERS/DGF/INEXIO)

Candidate case for simplified procedure

(Text with EEA relevance)

(2020/C 116/10)

1. On 2 April 2020, 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:

— EQT Infrastructure IV (Luxembourg), controlled by EQT Fund Management S.à.r.l (Luxembourg, 'EFMS'),

— OMERS Infrastructure European Holdings 2 B.V. (Netherlands, 'OMERS Infrastructure'), controlled by OMERS Administration Corporation (Canada, 'OMERS'),

— Entities belonging to the group Deutsche Glasfaser Group (Germany, 'DGF'), controlled by Goethe Acquisition GmbH (Germany),

— inexio Beteiligungs GmbH & Co. KGaA and inexio Beteiligungs Geschaftsfuhrungs GmbH and its subsidiaries (Germany, 'Inexio'), both solely controlled by EQT Infrastructure IV.

EFMS and OMERS acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control of the whole of DGF and Inexio.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for EQT Infrastructure IV: an investment fund part of the EQT group of private equity funds that has investment activities in infrastructure and infrastructure-related assets and businesses primarily in Europe and North America,

— for OMERS Infrastructure: the European investment platform for infrastructure investments for OMERS, which is responsible for the investment and administration of pensions for active, deferred and retired employees of municipalities, school boards, libraries, police departments and other local agencies in Ontario,

— for DGF: the provision of B2C and B2B fixed internet access services predominantly to retail and business customers in Germany, predominantly in the North Rhine-Westphalia and Lower Saxony areas, as well as the provision of IPTV services,

— for Inexio: the provision of fixed internet access services in Germany, fibre optic network services, cloud technology and hosting solutions for B2B and B2C customers with the majority of customers in the Rhineland Palatinate and Saarland areas.

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.9783 – EQT/OMERS/DGF/INEXIO

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

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

Postal address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË