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PUBLIC VERSION

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Subject: **Case M.11331 – ACES / PREZERO / ENAGAS RENOVABLE / PREZERO BIOMETANO**
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 6 February 2024 , the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertakings Aquambiente, Circular Economy Solutions, S.L.U. ('ACES', Spain), PreZero Gestión de Residuos, S.A. ('PreZero', Spain) and Enagás Renovable, S.A. ('Enagás Renovable', Spain), will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over PreZero Biometano, S.L. by way of purchase of shares in a newly created company constituting a joint venture. ([3])

([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]) OJ C, C/2024/1598, 15.02.2024.

(2) The business activities of the undertakings concerned are the following:

– ACES, controlled by Veolia Environment S.A. ('Veolia', France), is involved in waste and water management activities, as well as in the provision of circular economy services, construction activities and analysis and consulting services related to the foregoing. Veolia is a French group active in the following sectors: (i) water-related services, (ii) waste services, and (iii) energy services,

– PreZero is part of the German Schwarz Group and provides waste disposal and recycling services in the markets for the collection, sorting, treatment, recycling and disposal of household and commercial waste. The core business of Schwarz is food retailing in over 30 countries through its Lidl and Kaufland divisions,

– Enagás Renovable is a company focused on the development of projects in the field of renewable gases and decarbonization.

(3) The business activities of the JV will be the following: to develop, construct and operate a plant for separately collected organic waste treatment and the production of biogas, which would then be purified to obtain biomethane which will, in turn, be sold to third parties.

(4) 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 treatment for certain concentrations under Council Regulation (EC) No 139/2004. ([4])

(5) For the reasons set out in the Notice on a simplified treatment, 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 160, 5.5.2023, p. 1 (the 'Notice on a simplified treatment').