C/2024/4885

1.8.2024

Prior notification of a concentration

(Case M.11510 – ACS / TK / YORIZON)

Candidate case for simplified procedure

(Text with EEA relevance)

(C/2024/4885)

1. On 24 July 2024, the Commission received notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 ([1]).

This notification concerns the following undertakings:

— HOCHTIEF GC Beteiligungsgesellschaft mbH ('HT', Germany), controlled by Actividades Construcción y Servicios, S.A. ('ACS', Spain),

— Thomas-Krenn.AG ('TK', Germany), controlled by Dr Helmut Vorndran,

— a newly created joint venture company consisting of Thomas-Krenn Project GmbH & Co.KG and Thomas-Krenn Project Management GmbH (together, 'YORIZON', Germany).

HT and TK will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of YORIZON.

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 are the following:

— HT is controlled by the ACS Group, which carries out the project development and structuring of major public projects, equity and debt investments in privately financed projects, and the management and implementation of construction and civil engineering activities (particularly in connection with transport infrastructure),

— TK: The assembly and sale of computers, computer peripherals and computer accessories, as well as the performance of all related services, in so far as they do not require a government licence.

3. The business activities of the undertaking YORIZON will be the following:

— The commercial purpose of YORIZON will be to operate computer centres and to provide and sell relevant cloud services for other undertakings.

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

5. 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.11510 – ACS / TK / YORIZON

([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
([2]) OJ C 160, 5.5.2023, p. 1.

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

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

Postal address:

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