EUROPEAN COMMISSION

Brussels, 08.03.2018
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PUBLIC VERSION

To the notifying parties:

Subject: **Case M.8793 – AXION / ENAGAS / AXENT**
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 14 february 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Axión Infraestructuras de Telecomunicaciones, S.A.U. ('Axión', Spain), controlled by the AMP Group (Australia) and Enagás (Spain) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Axent (Spain). The concentration is accomplished by way of purchase of shares in a newly created company constituting a joint venture.[3]

2. The business activities of the undertakings concerned are:

   – for Axión: wholesale technical provision of radio telecommunications infrastructure and carrier networks services for audiovisual broadcasters, public administration and telecom operators.

   – for Enagás: gas storage and transmission activities in Spain.

   – for Axent: provision of wholesale leased lines services in Spain.

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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 65, 21.02.2018, p. 28.

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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(a) 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)
Johannes LAITENBERGER
Director-General

4 OJ C 366, 14.12.2013, p. 5.