Prior notification of a concentration

(Case M.9984 — CIMIC/Elliott/Thiess)

Candidate case for simplified procedure

(Text with EEA relevance)

(2020/C 380/11)

1. On 30 October 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:

   — CIMIC Group Limited ('CIMIC', Australia), controlled by ACS ACTIVIDADES DE CONSTRUCCIÓN Y SERVICIOS, S.A. ('ACS', Spain),

   — Elliott Investment Management L.P. ('Elliott', US),

   — Thiess Pty Ltd ('Thiess', Australia), controlled by CIMIC.

   CIMIC and Elliott acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Thiess.

   The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

   — for CIMIC: construction and engineering, asset and facility management, mineral processing, as well as mining services (through Thiess);

   — for Elliott: investments including non-distressed debt, distressed securities, hedge/arbitrage positions, equity-oriented positions, private equity and private credit positions, currency trading;

   — for Thiess: mining services spanning feasibility, planning, development, extraction, asset management & maintenance and remediation.

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.9984 — CIMIC/Elliott/Thiess

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