

V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

Prior notification of a concentration**(Case M.10906 – INFRAVIA / LIBERTY GLOBAL / TELEFÓNICA / OPAL)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2022/C 410/08)

1. On 18 October 2022, 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:

- InfraVia Capital Partners S.A.S. ('InfraVia', France),
- Liberty Global plc ('Liberty Global', UK),
- Telefónica S.A. ('Telefónica', Spain),
- Liberty Global Investment JVco Limited ('Opal', UK).

InfraVia, Liberty Global and Telefónica will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Opal.

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:

- for InfraVia, an independent investment company, acting as a management company of investment funds specialised in the infrastructure and technology sectors,
- for Liberty Global, operation of cable networks offering television, broadband Internet, fixed-line voice telephony and mobile telecommunications services in several countries in Europe, including through VMED O2 UK Limited ('Virgin Media O2') in the UK, which is jointly controlled with Telefónica,
- for Telefónica, global telecommunications company operating fixed and mobile communication networks, offering mobile, landline, internet and television services under a number of brands, including through Virgin Media O2 in the UK, which is jointly controlled with Liberty Global.

3. The business activities of Opal will be to construct and operate a wholesale fibre-to-the-home network with a view to wholesaling the network to Virgin Media O2, third party internet service providers and business customers in the UK.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

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 procedure for treatment of certain concentrations under 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.

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.10906 – INFRAVIA / LIBERTY GLOBAL / TELEFÓNICA / OPAL

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:

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Directorate-General for Competition
Merger Registry
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⁽²⁾ OJ C 366, 14.12.2013, p. 5.