

**Prior notification of a concentration****(Case COMP/M.5288 — GMR Infrastructure (Malta)/Ontario Teachers' Pension Plan/InterGen)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2008/C 214/08)

1. On 13 August 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertakings GMR Infrastructure Ltd (Malta) controlled by GMR Holdings Private Ltd and belonging to the GMR group ('GMR', India) and Ontario Teachers' Pension Plan Board ('OTPPB', Canada) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking InterGen NV ('InterGen', the Netherlands) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- for GMR: corporate group active in airports, energy, highways and urban infrastructure,
- for OTPPB: responsible for investments of pension fund assets,
- for InterGen: active in development and operation of electricity generation facilities.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. 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 <sup>(2)</sup> 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. Observations can be sent to the Commission by fax ((32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.5288 — GMR Infrastructure (Malta)/Ontario Teachers' Pension Plan/InterGen, to the following address:

European Commission  
Directorate-General for Competition  
Merger Registry  
J-70  
B-1049 Bruxelles/Brussel

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

<sup>(2)</sup> OJ C 56, 5.3.2005, p. 32.