

***Case No COMP/M.5759 -  
MACQUARIE FUNDS/  
ANTIN IP/ PISTO GROUP***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004  
MERGER PROCEDURE**

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Article 6(1)(b) NON-OPPOSITION  
Date: 01/02/2010

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EUROPEAN COMMISSION

Brussels, 01/02/2010  
SG-Greffe(2010) D/1036/1037  
C(2010) 728

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying parties**

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.5759 - Macquarie Funds/ Antin IP/ Pisto Group  
Notification of 23 December 2009 pursuant to Article 4 of Council Regulation  
(EC) No 139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No C 4, 08.01.2010,  
p. 24**

1. On 23/12/2009 the Commission received notification of a proposed concentration pursuant to Article 4 of the EC Merger Regulation by which the Macquarie Funds and Antin Infrastructure Partners ("Antin IP", France) acquire within the meaning of Article 3(1)(b) of Council Regulation (EC) No. 139/2004 joint control over Macquarie Strategic Storage Facilities Holdings S.a.r.l. ("MSSFH", Luxembourg) and its subsidiaries (together "The Pisto Group", France) by way of the grant of certain contractual veto rights.

The business activities of the undertakings concerned are:

- for the Macquarie Funds: financial and infrastructure investment activities;
- for Antin IP: an infrastructure investment fund sponsored by BNP Paribas, which is a French-based provider of banking and financial services; and
- for the Pisto Group: active in the oil products storage sector.

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1 (the "EC Merger Regulation").

2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of the EC Merger Regulation and of paragraph 5(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
3. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the EC Merger Regulation.

For the Commission,  
(signed by Lowri Evans)  
Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005, p. 32 ("Notice on a simplified procedure").