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***Case No COMP/M.5683 -
BROOKFIELD / BBI /
DBCT***

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

Article 6(1)(b) NON-OPPOSITION
Date: 13/11/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.11.2009
SG-Greffe(2009) D/8907/8
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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.5683 – BROOKFIELD / BBI / DBCT
Notification of 14.10.2009 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 252,
22.10.2009, p.16**

1. On 14.10.2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Brookfield Asset Management Inc. ('Brookfield', Canada) will simultaneously acquire, within the meaning of Article 3(1)(b) of the Council Regulation, (i) sole control over BBI Port Acquisitions (UK) Limited, currently wholly controlled by BBI, and (ii) joint control together with Babcock & Brown Infrastructure ("BBI", Australia) of Dalrymple Bay Coal Terminal ("DBCT", Australia) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - Brookfield is a global asset manager investing in property, power and other infrastructure assets;

¹ OJ L 24, 29.1.2004, p. 1.

- BBI is an infrastructure fund which manages an international portfolio of infrastructure assets, principally in the transport sector and the energy distribution and transmission sector;
 - DBCT is an Australian port facility, which exports metallurgical and thermal coal mined in the Bowen Basin region of Queensland, Australia;
 - BBI Port Acquisitions (UK) Limited is a subsidiary of BBI controlling PD Ports, a UK based regional port and port services operator.
2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No 139/2004 and of paragraph 5(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².
 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 Council Regulation (EC) No 139/2004.

For the Commission

(signed)
Philip LOWE
Director General

² OJ C 56, 05.3.2005, p. 32.