

***Case No COMP/M.6725 - ABERTIS/ BROOKFIELD/  
PARTICIPES EN BRASIL***

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: 22/10/2012

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EUROPEAN COMMISSION

Brussels, 22.10.2012  
C(2012) 7590

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying parties:**

Dear Madam and Sir,

**Subject: Case No COMP/M.6725 - ABERTIS/ BROOKFIELD/ PARTICIPES EN BRASIL**  
**Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>1</sup>**

1. On 21 September 2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Abertis Infraestructuras SA ('Abertis', Spain) and Brookfield Brazil Motor Holdings Srl controlled by Brookfield Asset Management Inc. ('Brookfield', Canada) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Participes en Brasil SLU ('Participes', Spain) by way of purchase of shares in a joint venture company.
2. The business activities of the undertakings concerned are:
  - for Abertis: provision of mobility and telecommunications infrastructure services,

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

- for Brookfield: asset management investing in property, renewable power and infrastructure assets,
  - for Partícipes: operation and management of toll road concessions in Brasil. <sup>2</sup>
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>3</sup>.
  4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

*For the Commission*  
*(signed)*  
*Alexander ITALIANER*  
*Director General*

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<sup>2</sup> Publication in the Official Journal of the European Union No C 297, 3.10.2012, p.9

<sup>3</sup> OJ C 56, 5.3.2005, p. 32.