

***Case No COMP/M.7427 - MACQUARIE/ NIPPON YUSEN  
KAISHA/ NYK PORTS***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 26/01/2015

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EUROPEAN COMMISSION

Brussels, 26.01.2015  
C(2015) 428 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying parties:**

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

**Subject: Case M.7427 – MACQUARIE/ NIPPON YUSEN KAISHA/ NYK PORTS  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European Economic Area<sup>2</sup>**

1. On 19 December 2014, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Macquarie Infrastructure Partners III, L.P. ("MIP III", United States of America), a wholly owned subsidiary of Macquarie Group (Australia), and NYK Group Americas Inc. ("NYK Group Americas", United States of America), a wholly owned subsidiary of Nippon Yusen Kaisha (Japan), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of NYK Ports LLC (United States of America) by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - MIP III is an investment fund focused on investments in infrastructure and related assets in the United States of America and Canada.

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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.

<sup>2</sup> OJ L 1, 3.1.1994, p.3 (the "EEA Agreement").

<sup>3</sup> Publication in the Official Journal of the European Union No C 4, 09.01.2015, p.15.

- NYK Group Americas offers marine transportation and global logistics services in North America.
  - NYK Ports LCC, currently solely controlled by NYK Group Americas, operates marine terminals and provides stevedoring services in ports located in the United States of America and Canada.
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) and 5 (b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>4</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 and Article 57 of the EEA Agreement.

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

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.