



EUROPEAN COMMISSION
DG Competition

***Case M.8009 - CPPIB / GIP / PACIFIC NATIONAL
BUSINESS OF ASCIANO***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 13/05/2016

***In electronic form on the EUR-Lex website under document
number 32016M8009***



EUROPEAN COMMISSION

Brussels, 13.05.2016
C(2016) 3016 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

Dear Sirs,

Subject: Case M.8009 - CPPIB / GIP / PACIFIC NATIONAL BUSINESS OF ASCIANO

Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²

1. On 14/04/2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Canada Pension Plan Investment Board ("CPPIB" of Canada), and Global Infrastructure Management, LLC ("GIP" of the USA) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Asciano's Pacific National Business ("Pacific National" of Australia), by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for CPPIB: investing in public and private equities, real estate, infrastructure and fixed income instruments.

¹ 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.

² OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

³ Publication in the Official Journal of the European Union No C 140, 21.04.2016, p. 9.

- for GIP: investing in single assets and portfolios of assets and companies in infrastructure and infrastructure-related assets in the transport, energy, water and waste industries.
 - for Pacific National: national intermodal freight haulage and bulk haulage rail freight services in Australia.
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 139/2004.⁴
 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)
Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.