



EUROPEAN COMMISSION
DG Competition

***Case M.8728 - DIAMOND TRANSMISSION
CORPORATION / INFRARED CAPITAL PARTNERS / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 15/03/2018

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EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

**Subject: Case M.8728 - DIAMOND TRANSMISSION CORPORATION / INFRARED CAPITAL PARTNERS / JV
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**

Dear Sir or Madam,

1. On 21 February 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Diamond Transmission Corporation Limited ("DTC", United Kingdom), controlled by Mitsubishi Corporation ("MC", Japan), and Infrared Capital Partners Limited ("IRCP", United Kingdom), controlled by InfraRed Capital Partners (Management) LLP (United Kingdom), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of the whole of Diamond Transmission Partners BBE (Holding) Limited ("Target", United Kingdom), currently solely controlled by DTC, by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for DTC: a holding company that integrates MC's investment activities in the electricity transmission sector,
 - for IRCP: an infrastructure investment management company active in financial advice and managing investments on behalf of investment funds,
 - for the Target: Offshore Transmission Owner for the Burbo Bank Extension offshore windfarm active in the transmission of electricity from this windfarm to the UK's onshore National Electricity Transmission System.

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 75, 28.2.2018, p. 5.

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(b) 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.