



EUROPEAN COMMISSION
DG Competition

***Case M.9512 - EQT /
COLONY CAPITAL /
ZAYO***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 22/11/2019

***In electronic form on the EUR-Lex website under document
number 32019M9512***



EUROPEAN COMMISSION

Brussels, 22.11.2019
C(2019) 8625 final

PUBLIC VERSION

To the notifying parties

**Subject: Case M.9512 – EQT/ COLONY CAPITAL/ ZAYO
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 30 October 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which EQT Fund Management S.à r.l. (“EQT”, Luxembourg) and Digital Colony GP, LLC (“Digital Colony”, United States) acquire within the meaning of Article 3(1)(b) of the Merger Regulation indirect joint control of the whole of Zayo Group Holding, Inc. (“Zayo”, United States) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - EQT: investment in infrastructure and infrastructure-related assets and businesses in primarily Europe and North America,
 - Digital Colony: investment in digital infrastructure companies. Digital Colony is controlled by the global real estate and investment management firm Colony Capital, Inc. (United States),
 - Zayo: provision of communications infrastructure services in Europe and North America, including leased dark fibre, private data networks, wavelength connections, Ethernet IP connectivity, cloud offerings, colocation services and other high-bandwidth offerings.

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 (the ‘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 379, 8.11.2019, 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(c) 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)
Cecilio MADERO VILLAREJO
Acting Director-General

⁴ OJ C 366, 14.12.2013, p. 5.