



EUROPEAN COMMISSION
DG Competition

***Case M.10420 - BROOKFIELD /
DIGITAL REALTY / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 30/08/2021

***In electronic form on the EUR-Lex website under document
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EUROPEAN COMMISSION

Brussels, 30.08.2021
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PUBLIC VERSION

Project Holdings Three (DIFC)
Limited
Unit L 16-02, Level 16,
ICD Brookfield Place,
Dubai International Financial Centre
United Arab Emirates

Digital India, LLC
5707 Southwest Parkway,
Building 1, Suite 275
78735 Austin, TX
United States of America

**Subject: Case M.10420 – Brookfield / Digital Realty / 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 6 August 2021, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Project Holdings Three (DIFC) Limited, belonging to the group of Brookfield Asset Management Inc. (“Brookfield”, Canada) and Digital India, LLC, belonging to the group of Digital Realty Trust, Inc. (“Digital Realty”, USA) acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control over the whole of the undertaking Mercury Holdings SG Pte. Ltd. (the “JV”, Singapore) by way of purchase of shares in a newly created company constituting a joint venture.³

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 325, 13.08.2021, p. 2.

2. The business activities of the undertakings concerned and the JV are:
 - for Brookfield: a global asset manager focused on real estate, infrastructure, renewable power and private equity,
 - for Digital Realty: a real estate investment trust that owns, acquires, develops and operates data centres,
 - for the JV: the acquisition, development, construction and operation of data centre facilities in India.
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)
Olivier GUERSENT
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.