



EUROPEAN COMMISSION
DG Competition

***Case M.11030 - AWARE SUPER / ABP / DV4 / OMERS /
REAL ESTATE JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 13/06/2023

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

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PUBLIC VERSION

Aware Super Pty Ltd
Level 28, 388 George Street
NSW 2000 Sydney
Australia

Stichting Depository APG Strategic
Real Estate Pool
Basisweg 10A
1043 AP Amsterdam
The Netherlands

DV4 Limited
c/o Harbour Fiduciary Services
Limited
Thistle House
4 Burnaby Street
Hamilton
Bermuda HM11

Oxford Jersey Holding Company
Limited
The Leadenhall Building
122 Leadenhall Street
EC3V 4AB London
United Kingdom

**Subject: Case M.11030 – AWARE SUPER / ABP / DV4 / OMERS / REAL ESTATE
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**

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’).

Dear Sir or Madam,

1. On 15 May 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertakings Aware Super Pty Ltd ('Aware Super', Australia), Stichting Depository APG Strategic Real Estate Pool ('APG', the Netherlands), DV4 Limited ('DV4', British Virgin Islands) and Oxford Jersey Holding Company Limited ('Oxford', Jersey) will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over Get Living PLC (Guernsey), together with Merchant City (Glasgow) LLP (UK), Holbeck Quarter (Leeds) LLP (UK) and T3 Residential Holdings LLP (UK) (together 'Real Estate JV') by way of purchase of shares over Get Living PLC and by way of acquisition of partnership interests in Merchant City (Glasgow) LLP, Holbeck Quarter (Leeds) LLP and T3 Residential Holdings LLP.³
2. The business activities of the undertakings concerned are the following:
 - Aware Super is a superannuation fund that invests across a diverse range of asset classes,
 - APG is a mutual fund which focuses on investment in real estate, and is controlled by by Stichting Pensioenfond ABP, which is the pension fund for government and education employees in the Netherlands,
 - DV4 is a real estate investment fund,
 - Oxford is controlled by Ontario Municipal Employees Retirement System Primary Pension Plan, the Canadian public pension fund that manages a diversified global portfolio of stocks and bonds, and real estate, private equity and infrastructure investments,
 - Real Estate JV comprises a number of real estate interests, namely, (i) Get Living PLC, a real estate investment trust listed on The International Stock Exchange in Guernsey, together with (ii) three limited liability partnerships established in the UK – Merchant City (Glasgow) LLP and Holbeck Quarter (Leeds) LLP, each of which develops and manages UK real estate assets, and T3 Residential Holdings LLP, a registered provider of social housing in the UK.
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

³ Publication in the Official Journal of the European Union No C 183, 25.5.2023, p. 3.

⁴ OJ C 366, 14.12.2013, p. 5.

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