



EUROPEAN COMMISSION
DG Competition

Case M.11206 - BROOKFIELD / OTPP / COMPASS

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 20/09/2023

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

Brussels, 20.9.2023
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PUBLIC VERSION

Brookfield
Brookfield Place,
181 Bay Street Suite 100
Toronto, Ontario
Canada

Ontario Teachers' Pension Plan Board
5650 Yonge Street
M2M 4H5 Toronto, Ontario
Canada

**Subject: Case M.11206 – BROOKFIELD / OTPP / COMPASS
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 29 August 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which Brookfield Corporation (“Brookfield”, Canada) and Ontario Teachers’ Pension Plan Board (“OTPP”, Canada) will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Compass Holdco LLC (“Compass”, USA). The concentration is accomplished by way of contract.³
2. The business activities of the undertakings concerned are the following:
 - Brookfield is a global owner and operator of real assets, which generally invests across three businesses: asset management, insurance solutions and operating businesses,
 - OTPP administers pension benefits and the investment of pension plan assets on behalf of approximately 336,000 active and retired teachers in the province of Ontario, Canada, and,

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 316, 06.09.2023, p. 4.

- Compass is active in the design, build, operation and ongoing management of data center solutions in the US, Canada, and Israel. Compass offers data center technology to customers seeking hyperscale, cloud, enterprise, shell, and edge solutions.
- 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) and 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)
Olivier GUERSENT
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.