

Prior notification of a concentration
(Case COMP/M.5683 — Brookfield/BBI/DBCT)
Candidate case for simplified procedure
(Text with EEA relevance)
(2009/C 252/07)

1. On 14 October 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings Brookfield Asset Management Inc. ('Brookfield', Canada) and Babcock & Brown Infrastructure (comprising Babcock & Brown Infrastructure Limited and Babcock & Brown Infrastructure Trust) ('BBI', Australia) acquire within the meaning of Article 3(1)(b) of the Regulation joint control of the undertaking Dalrymple Bay Coal Terminal ('DBCT', Australia) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Brookfield is a global asset manager investing in property, power and other infrastructure assets,
- BBI is an infrastructure fund which manages an international portfolio of infrastructure assets, principally in the transport sector and the energy distribution and transmission sector,
- DBCT is an Australian port facility, which exports metallurgical and thermal coal mined in the Bowen Basin region of Queensland, Australia.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301 or 22967244) or by post, under reference number COMP/M.5683 — Brookfield/BBI/DBCT, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ OJ C 56, 5.3.2005, p. 32.