EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9940 – AAUK2 / MUL / BALLYHOURA WIND / CCWFL**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

1. On 5 October 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Arjun Alliance UK 2 LP ("AAUK2" United Kingdom), ultimately controlled by AIP Holdings Limited and Mitsubishi UFJ Lease & Finance Company Limited ("MUL", Japan), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over the whole of the undertaking Ballyhoura Wind Limited ("Ballyhoura Wind", Ireland) and CCWFL Limited ("CCWFL", Ireland) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for AAUK2: a limited partnership established in April 2020, ultimately controlled by AIP Holdings, an independent infrastructure asset management business focusing on partnerships with institutional investors to access direct infrastructure investments within the industries of regulated utilities, energy and renewables, and transportation,

   – for MUL: a multi-service group based in Japan, with activities related to leasing and finance, rental, used equipment trading, sales support financing, asset management services, consulting services, aviation, real estate, logistics, environment and energy, healthcare and infrastructure and investment,

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 338, 12.10.2020, p. 9.

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– for Ballyhoura Wind: holds the onshore Ballyhoura Wind wind farm located in County Cork, Ireland,

– for CCWFL: holds the onshore Slievecallan wind farm located in County Clare, Ireland.

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(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.