PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.11030 – AWARE SUPER / ABP / DV4 / OMERS / REAL ESTATE JV)

Candidate case for simplified procedure

(Text with EEA relevance)

(2023/C 183/03)

1. On 15 May 2023, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]).

This notification concerns the following undertakings:

— Aware Super Pty Ltd ('Aware Super', Australia),

— Stichting Depositary APG Strategic Real Estate Pool ('APG', the Netherlands) controlled by Stichting Pensioenfonds ABP ('ABP', the Netherlands),

— DV4 Limited ('DV4', British Virgin Islands),

— Oxford Jersey Holding Company Limited ('Oxford', Jersey), controlled by the administrator of Ontario Municipal Employees Retirement System Primary Pension Plan ('OMERS', Canada),

— Real Estate JV (UK).

Aware Super, APG, DV4 and Oxford will acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Real Estate JV.

The concentration is accomplished by way of purchase of shares.

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 ABP, which is the pension fund for government and education employees in the Netherlands,

— DV4 is a real estate investment fund,

— Oxford is a company belonging to OMERS, 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 is a joint venture consisting of Get Living PLC, a real estate investment trust listed on The International Stock Exchange in Guernsey, together with 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. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

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. The following reference should always be specified:

M.11030 – AWARE SUPER / ABP / DV4 / OMERS / REAL ESTATE JV

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

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Fax +32 22964301

Postal address:

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([2]) OJ C 366, 14.12.2013, p. 5.