EUROPEAN COMMISSION

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PUBLIC VERSION

OMERS Infrastructure European Holdings 2 B.V.
Muiderstraat 9 U
1011 PZ Amsterdam
Netherlands

APG Asset Management N.V.
Basisweg 10A
1043 AP Amsterdam
Netherlands

Subject: **Case M.10819 - OMERS / APG / GROENDUS**
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 17 August 2022, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which OMERS Infrastructure European Holdings 2 B.V. ('OMERS Infrastructure', the Netherlands), controlled by OMERS Administration Corporation ('OMERS', Canada) and APG Asset Management N.V. ('APG', the Netherlands), controlled by Stichting Pensioenfonds ABP ('ABP', the Netherlands) will acquire within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation joint control of the whole of Groendus Groep B.V. ('Groendus', the Netherlands), controlled by NPM Capital N.V. (the Netherlands). The concentration is accomplished by way of purchase of shares.[3]

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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 321, 25.08.2022, p. 5.

2. The business activities of the undertakings concerned are the following:

   – OMERS Infrastructure is an investment platform controlled by OMERS which is managing a diversified portfolio of investments in public markets, private equity, infrastructure and real estate at global level,

   – APG is controlled by ABP which is managing a diversified portfolio of investments in infrastructure and real estate at global level,

   – Groendus provides services to enterprise customers in the Netherlands to assist with the transition to sustainable energy consumption. Specific services include the rental, sale, installation and maintenance of meters and solar panels, providing advice, measuring energy flows, and supplying renewable energy, and the EnergyMarketPlace (a platform facilitating the purchase and sale of green power directly from producers).

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.