EUROPEAN COMMISSION

Brussels, 23.3.2020
C(2020) 1893 final

PUBLIC VERSION

To the notifying parties

Subject: **Case M.9765 – AUSTRALIANSUPER / PEEL GROUP / DWS / PEEL PORTS**
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 26 February 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings AustralianSuper Group ("AustralianSuper", Australia), DWS Group & GmbH Co KgaA ("DWS", Germany), controlled by Deutsche Bank AG (Germany), and Peel Group ("Peel Group", United Kingdom), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertaking Peel Ports Holdings Limited ("Peel Ports", United Kingdom) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for AustralianSuper: industry and pension fund with primary investments in Australia.

   – for DWS: asset management company, active globally.

   – for Peel Group: investment company with a wide range of interests, including property, wind farms and hotels, primarily active in the United Kingdom.

   – for Peel Ports: active in the operation of ports, shipping and marine support services in various locations including the United Kingdom, Ireland, the Netherlands and Australia.

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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 72, 05.03.2020, p. 12.

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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.