EUROPEAN COMMISSION

Brussels, 29.5.2020
C(2020) 3620 final

PUBLIC VERSION

To the notifying parties

Subject: **Case M.9801 — Allianz/OMERS Infrastructure/T&R JV**
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 May 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Allianz Capital Partners GmbH ('ACP', Germany) belonging to the group Allianz SE (Germany), and Borealis Turtle Investments BV ('Borealis', the Netherlands) wholly owned by OMERS Administration Corporation ('OMERS', Canada) acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control of the whole of Autobahn Tank & Rast Gruppe GmbH & Co KG ('T&R', Germany).[3] The concentration results from an amendment in the governance principles of T&R.

2. The business activities of the undertakings concerned are:

   – ACP is a wholly-owned subsidiary of Allianz SE, the ultimate parent company of the Allianz Group. The Allianz Group offers a comprehensive range of insurance and asset management products and services to both private and corporate customers in more than 70 countries. Pre-transaction, Allianz had sole control over T&R,

   – Borealis is the managing holding entity of the T&R investment on behalf of OMERS, the administrator of the Ontario Municipal Employees Retirement System Primary Pension Plan and the ultimate parent company of the OMERS group, one of Canada's largest defined benefit pension plans. OMERS' shareholding in T&R has not changed post-transaction,

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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 160, 11.5.2020, p. 17-18.

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– T&R is a provider of food services, retail goods, hotel accommodation and fuel on German motorways.

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.