EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.10068 – Brookfield/Mansa/Polenergia**
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 3 December 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Brookfield Asset Management Inc. ("Brookfield", Canada) and Mansa Investments Sp. z o.o. ("Mansa"), indirectly controlled by Ms Dominika Kulczyk (both of Poland) acquire within the meaning of Article 3(1)(b) and of Article 3(4) of the Merger Regulation joint control over parts of the undertaking Polenergia S.A. ("Polenergia", "JV", Poland), indirectly controlled by Ms Dominika Kulczyk by way of purchase of securities.[3]

2. The business activities of the undertakings concerned are:

   – for Brookfield: global asset management focusing on property, renewable power, infrastructure and private equity,

   – for Mansa: a holding company for Ms Dominika Kulczyk (a natural person) controlling Polenergia S.A.,

   – for the JV: production and sale of energy and related activities in a number of European countries including Poland and Germany.

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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 427, 10.12.2020, 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(c) 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.