

***Case No COMP/M.3065 -
BAIN FUND GROUP /
SIGMAKALON GROUP***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 24/02/2003

*Also available in the CELEX database
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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24/02/2003

SG (2003) D/228702

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the Notifying Parties

Dear Madam and/or Sir,

**Subject: Case No. COMP/M.3065 – BAIN FUND GROUP/SIGMAKALON GROUP
Notification of 21/01/2003 pursuant to Article 4 of Council Regulation (EEC)
No. 4064/89¹
Publication in the Official Journal of the European Communities No. C 24 of
31/01/2003, page 18**

1. On 21/01/2003, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 by which the undertakings Bain Capital Fund VII-E (UK), LP, Bain Capital Fund VII, LP and Bain Capital Coinvestment Fund, LP (together referred to as “Bain Fund”), all belonging to the USA-based Bain Capital Investors group, acquire within the meaning of Article 3(1)(b) of the Council Regulation control of parts of the SigmaKalon Group (“SigmaKalon”-France) by way of purchase of shares.
2. The business activities of the undertakings concerned are:

¹ OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

- for Bain Fund : investment fund;
 - for SigmaKalon : manufacture and supply of decorative and industrial coatings
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4, subparagraph b, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89².
 4. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EEC) No. 4064/89.

For the Commission

Mario MONTI
Member of the Commission

² OJ C 217, 29.07.2000, p. 32.