

***Case No COMP/M.3766 -  
NORDIC CAPITAL /  
LEAF INT***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004  
MERGER PROCEDURE**

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Article 6(1)(b) NON-OPPOSITION  
Date: 21/04/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.04.2005

SG-Greffe(2005) D/201897/8

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

Dear Madam(s) and/or Sir(s),

**Subject: Case No. COMP/M.3766 –NORDIC CAPITAL / LEAF INT**

Notification of 14/3/2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004<sup>1</sup>  
Publication in the Official Journal of the European Communities No. C 70, 23.03.2005,  
page 10.

1. On 14.3.2005 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Nordic Capital Fund V (“Nordic Capital V”, Jersey), belonging to the group Nordic Capital, acquires within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Leaf International BV (“Leaf”, The Netherlands) currently solely controlled by CVC Capital Partners Sàrl (“CVC”, Luxembourg) by way of purchase of shares. As a result of the current transaction Leaf will be jointly controlled by Nordic Capital V and CVC.
2. The business activities of the undertakings concerned are:
  - for undertaking Nordic Capital V: private equity fund;
  - for undertaking CVC: private equity funds;

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<sup>1</sup> OJ L 24, 29.1.2004 p. 1.

- for undertaking Leaf : production and marketing of candies, chewing-gums and other sugar confectionary products.
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5, subparagraph c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
  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 (EC) No. 139/2004.

For the Commission, signed  
Neelie KROES  
Member of the Commission

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<sup>2</sup> OJ C56, 05.3.2005 p.32