

***Case No COMP/M.4470 -
APOLLO GROUP /
JACUZZI BRANDS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 17/01/2007

***In electronic form on the EUR-Lex website under document
number 32007M4470***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.01.2007

SG-Greffe(2007) D/200180

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

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

Subject: Case No. COMP/M.4470 – Apollo Group/Jacuzzi brands: Notification of 05/12/2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹ Publication in the Official Journal of the European Union No. C 301, dated 12/12/2006, page 14.

1. On 5 December 2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking the Apollo Group (“Apollo Group”, USA) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Jacuzzi Brands Inc. (“Jacuzzi”, USA) by way of purchase of shares.
2. The business activities of the undertakings concerned are :
 - Apollo Group: portfolio investments;
 - Jacuzzi: bath and plumbing 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

¹ OJ L 24, 29.1.2004 p. 1

paragraph 5, subparagraph (b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004².

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
Philip LOWE
Director General

² OJ C 56, 05.3.2005 p.32