

EN

***Case No COMP/M.4863 -  
BAIN CAPITAL /  
AMERICAN STANDARD***

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: 28/09/2007

***In electronic form on the EUR-Lex website under document  
number 32007M4863***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.IX.2007

SG-Greffe(2007) D/205789

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying party:**

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

**Subject: Case No COMP/M.4863 - Bain Capital/ American Standard  
Notification of 24.08.2007 pursuant to Article 4 of Council Regulation (EC) No.  
139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No. C 204,  
01.09.2007, page 13**

1. On 24.08.2007, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which certain funds controlled by Bain Capital Investors, LLC ('Bain Capital', USA) acquire within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the bathroom and kitchen business of American Standard Companies Inc, ('American Standard', USA) by way of purchase of shares and assets.
2. The business activities of the undertakings concerned are:
  - for Bain Capital: private equity investment firm;
  - for American Standard: global manufacturer of bathroom and kitchen products.

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

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 b 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 by L. Evans on behalf of)  
Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005 p.32