

***Case No COMP/M.5641 -
APOLLO/ PLIANT***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 26/11/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.11.2009
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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.5641 - APOLLO/ PLIANT
Notification of 21.10.2009 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 259 on 29/10/2009, p. 34**

1. On 21 October 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 by which the undertaking Apollo Management, L.P. and its affiliates ('Apollo', US) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Pliant Corporation ('Pliant', US) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for undertaking Apollo: investment fund;
 - for undertaking Pliant: manufacture and sales of flexible films and packaging.

¹ 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(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, 5.3.2005, p. 32.