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***Case No COMP/M.6088 -
HIG CAPITAL/ DER
GRUNE PUNKT _
DUALES SYSTEM
DEUTSCHLAND***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 07/02/2011

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EUROPEAN COMMISSION

Brussels, 07.02.2011
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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.6088 – HIG CAPITAL/ DER GRUNE PUNKT – DUALES SYSTEM DEUTSCHLAND
Notification of 03.01.2011 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 006, 11.01.2011, p. 16

1. On 03.01.2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which H.I.G. Luxembourg Holdings Thirteen S.C.A. ("H.I.G. Luxembourg"), ultimately controlled by H.I.G. Europe Capital Partners, L.P. ("H.I.G. Europe Capital"), part of the H.I.G. Capital group of funds ("H.I.G. Capital"), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of Der Grüne Punkt — Duales System Deutschland GmbH and its subsidiaries ("DSD") by way of a purchase of shares.

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

2. The business activities of the undertakings concerned are:
- for H.I.G. Luxembourg: a special purpose vehicle created for the purposes of the proposed transaction.
 - for H.I.G. Capital: a global private investment firm with funds in private equity, venture capital, distressed debt, real estate and public equities.
 - for DSD: a provider of waste management services in Germany. DSD provides services to, inter alia, retailers and packaging manufacturers that are obliged to participate in a dual system in order to ensure that sold sales packaging is taken back and properly recycled. DSD also provides take-back systems for the recycling of used electrical and electronic equipment, and of transport packages. In addition, it offers facility waste disposal services for other types of waste and deposit clearing schemes for fillers and retailing firms.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation 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 European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission
(signed)
Alexander ITALIANER
Director General

² OJ C 56, 5.3.2005, p. 32.