

***Case No COMP/M.6997 - TOWERBROOK CAPITAL/
METALLUM***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 22/08/2013

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EUROPEAN COMMISSION

Brussels, 22 August 2013
C(2013) 5563

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

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

**Subject: Case No COMP/M.6997 – TOWERBROOK CAPITAL/ METALLUM
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 25 July 2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking TowerBrook Investors III L.P. (Cayman Islands), controlled by TowerBrook Capital Partners L.P. ("TowerBrook", USA), acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking of Metallum Holding S.A. ("Metallum", Luxembourg) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - TowerBrook is a private equity investment firm pursuing investments in large and middle market companies in Europe and North America.

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.

- Metallum primarily recycles, processes and trades non-ferrous metals and refines copper scrap to produce copper cathodes and by-products of the copper refining process.²
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 139/2004³.
 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

² Publication in the Official Journal of the European Union No C 219, 31.7.2013, p.11.

³ OJ C 56, 5.3.2005, p. 32.

(signed)

Alexander ITALIANER
Director General