

*Case No COMP/M.5967 -  
PHL/ CSI*

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: 17/09/2010

*In electronic form on the EUR-Lex website under document  
number 32010M5967*



EUROPEAN COMMISSION

Brussels, 17.09.2010  
SG-Greffe(2010) D/13982  
C(2010) 6457

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.5967 – PHL/ CSI  
Notification of 20.08.2010 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 236,  
01.09.2010, p.9**

1. On 20.08.2010, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Boreas Bidco S.p.A., (Bidco, Italy) a special purpose vehicle ultimately controlled by Permira Holdings Limited (PHL, Guernsey), will acquire, within the meaning of Article 3(1)(b) of the Merger Regulation, sole control over C.S.I. Compagnia Surgelati Italiana S.r.l. (CSI, Italy) by way of purchase of shares.

The business activities of the undertakings concerned are:

- for undertaking PHL: holding company controlling a number of private equity funds whose portfolio companies currently include, inter alia, Birds Eye Iglo, which is

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<sup>1</sup> 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.

- active in the production, marketing and distribution of branded frozen food products - principally through the retail grocery channel and under its two core "Birds Eye" and "iglo" brands in Austria, Belgium, Bulgaria, France, Germany, Hungary, Ireland, the Netherlands, Portugal, Romania, Slovakia, Slovenia and UK,
- for undertaking CSI: production, marketing and distribution of branded frozen food products across various categories under the "Findus", "Capitan Findus", "4 Salti in Padella", "That's Amore", "Pat Bon" and "Sofficini" brands in Italy.
2. 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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
  3. 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 European Commission,  
(*signed*)  
Alexander ITALIANER  
Director General

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<sup>2</sup> OJ C 56, 5.3.2005, p. 32.