

***Case No COMP/M.3034 -  
CVC GROUP / EL  
ARBOL***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89  
MERGER PROCEDURE**

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Article 6(1)(b) NON-OPPOSITION  
Date: 19/12/2002

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19/12/2002

SG (2002) D/233392

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party ,

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

**Subject: Case No. COMP/M.3034 – CVC Group/El Arbol  
Notification of 21/11/2002 pursuant to Article 4 of Council Regulation (EEC)  
No. 4064/89<sup>1</sup>  
Publication in the Official Journal of the European Communities  
C298,30/11/02.**

1. On 21.11.2002, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 by which the undertaking CVC Capital Partners Group, Ltd (“CVC”, UK) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Grupo El Arbol Distribución y Supermercados, S.A.U. (“El Arbol”, Spain), currently controlled by Laurus Luxembourg SQRL (“Laurus”, Luxembourg), by way of purchase of shares.
2. The business activities of the undertakings concerned are :
  - for CVC Group: Provision of investment and management advice to investment funds.
  - for El Arbol: retail sales of food and other non-specialised merchandise.
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of

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<sup>1</sup> OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

paragraph 4, subparagraph c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89<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 (EEC) No. 4064/89.

For the Commission

Mario MONTI  
Member of the Commission

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<sup>2</sup> OJ C 217, 29.07.2000, p. 32.