

***Case No COMP/M.3160 -
CVC FUNDS / VITERRA***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 27/05/2003

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27/5/2003

SG (2003) D/ D/229933-229934

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party
via the legal representative

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

**Subject: Case No. COMP/M.3160 – CVC Funds/Viterra
Notification of 22.04.2003 pursuant to Article 4 of Council Regulation (EEC)
No. 4064/89¹
Publication in the Official Journal of the European Communities No. C 104 of
30.04.2003 – page 12**

1. On 22.04.2003, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 by which the undertaking Meter Acquisition GmbH & Co. KG, Germany ("Meter"), controlled by CVC Funds, acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Viterra Energy Services AG, Germany ("Viterra"), controlled by the E.On group by way of purchase of shares.
2. The business activities of the undertakings concerned are the following :
 - **Meter**, the Acquiring Party, is one of the financial vehicles set up by a group of CVC Funds for the purpose of the current transaction. The **CVC Funds** are active in the field

¹ 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.

of private equity, providing investment and management of investment funds, mainly through long-term capitalisation and advice to a selected group of industrial corporations.

- **Viterra** is active mainly in Germany in the business for consumption-based measurement and billing of heat, electricity, gas and water. It provides a range of services, including the supply and installation of metering equipment to the data collection and revenue management.
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 paragraph 4, subparagraph b, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89².
 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

Signed,
Mario MONTI
Member of the Commission

² OJ C 217, 29.07.2000, p. 32.