

***Case No COMP/M.3368 -
CD&R FUND / VWR***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 01/04/2004

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 01.04.2004

SG-Greffe(2004) D/201444

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

For the notifying parties

Dear Sir,

**Subject: Case No. COMP/M.3368-CD&R Fund / VWR
Notification of 03.03.2004 pursuant to Article 4 of Council Regulation (EEC)
No. 4064/89¹, as last amended by Regulation (EC) No 1310/97²
Publication in the Official Journal of the European Union No. C 62 11.03.2004,
page 7.**

1. On 03.03.2004, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertaking Clayton, Dubilier and Rice Fund VI Limited Partnership ("CD&R Fund VI", Cayman Islands), controlled by Clayton, Dubilier & Rice, Inc. ("CD&R", USA), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of VWR International Corporation ("VWR", USA), from Merck KGaA ("Merck", Germany), by way of purchase of shares.
2. The business activities of the undertakings concerned are :
 - CD&R Fund VI : private equity investments for CD&R
 - CD&R: private equity investments

¹ OJ L 395, 30.12.1989 p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

² OJ L 180, 9. 7. 1997, p. 1; corrigendum OJ L 40, 13.2.1998, p. 17.

- VWR: distribution of scientific and laboratory supplies
 - Merck: pharmaceuticals and chemicals
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, c of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89³.
 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

³ OJ C 217, 29.07.2000, p. 32.