

***Case No COMP/M.3702 -
CVC / CSM***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 18/02/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.02.2005

SG-Greffe(2005) D/200712

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

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

Subject: Case No. COMP/M.3702 – CVC/CSM

Notification of 17.1.2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Communities No. C 21, 26.01.2005,
page 8.

1. On 17/1/2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking CVC European Equity Partners III LP (CVC EEP, Cayman) belonging to the group CVC Capital Partners Sarl (CVC, Luxembourg) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking CSM Sugar Confectionary, (CSM SC, the Netherlands) by way of purchase of shares and assets.
2. The business activities of the undertakings concerned are :
 - for undertaking CVC EEP : investment fund;
for CVC group: investment funds;
 - for undertaking CSM SC: production and distribution of candies, chewing gums and other sugar confectionary products.

1 OJ L 24, 29.1.2004 p. 1.

3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5, subparagraph c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.
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 (EC) No. 139/2004.

For the Commission,

(Signed)
Neelie KROES
Member of the Commission

² Available on DG COMP website:
http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified_tru.pdf.