

***Case No COMP/M.4040 -
KKR / FL SELENIA***

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

Article 6(1)(b) NON-OPPOSITION
Date: 19/12/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.12.2005

SG-Greffe(2005) D/207451

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.4040 – KKR / FL SELENIA

Notification of 17/11/2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹

Publication in the Official Journal of the European Communities No. C 293, 25/11/2005, page 8.

1. On 17.11.2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Sole Italy S.à.r.l. (Luxembourg), ultimately controlled by Kohlberg Kravis Roberts & Co. L.P. (“KKR”, USA) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking FL Selenia S.p.A. (“FL Selenia”, Italy) by way of purchase of shares.
2. The business activities of the undertakings concerned are :
 - for undertaking KKR : private equity investments;
 - for undertaking FL Selenia : manufacturing and distribution of automotive and industrial lubricants and functional fluids for automobiles and industrial vehicles.

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. 139/2004².
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 OJ C 56, 05.3.2005 p.32