

***Case No COMP/M.4763 -  
CERBERUS / TOREX***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 31/07/2007

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31/07/2007

SG-Greffe(2007) D/204831

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying party:**

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

**Subject: Case No. COMP/M.4763 – Cerberus/Torex  
Notification of 28.06.2007 pursuant to Article 4 of Council Regulation (EC) No. 139/2004<sup>1</sup>  
Publication in the Official Journal of the European Communities No. C 152 on 06/07/2007 page 17.**

1. On 28 June 2007, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Promontoria Holding XIX B.V. ("Promontoria", The Netherlands) and Toro US Newco Corp. ("Toro", United States) controlled by Cerberus Group ("Cerberus", United States) acquire within the meaning of Article 3(1)(b) of the Council Regulation control of parts of Torex Retail PLC ("Torex", United Kingdom) by way of purchase of shares and assets.
2. The business activities of the undertakings concerned are :
  - for Cerberus: private equity fund;
  - for Promontoria: investment company controlled by Cerberus;

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<sup>1</sup> OJ L 24, 29.1.2004 p. 1.

- for Toro: investment company controlled by Cerberus;
  - for Torex: provider of retail-store related software and services, primarily in the UK.
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 b, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<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 (EC) No. 139/2004.

For the Commission,  
signed  
Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005 p.32.