

***Case No COMP/M.4783 -
BAIN CAPITAL /
BAVARIA YACHTBAU***

Only the English text is available and authentic.

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

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

***In electronic form on the EUR-Lex website under document
number 32007M4783***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31/07/2007

SG-Greffe(2007) D/204814

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.4783 – Bain Capital/Bavaria Yachtbau
Notification of 4 July 2007 pursuant to Article 4 of Council Regulation (EC) No.
139/2004¹
Publication in the Official Journal of the European Union No. C158,
11/07/2007, p.13**

1. On 04.07.2007, the Commission received a notification of a proposed concentration by which the undertaking Bain Capital Investors, LLC ("Bain Capital", United States) acquires control of the whole of Bavaria Yachtbau GmbH ("Bavaria Yachtbau", Germany) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Bain Capital: private equity investment firm;
 - for Bavaria Yachtbau: manufacturer of sailing yachts and motor boats.

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 Lowri Evans on behalf of
Philip LOWE
Director General

² OJ C 56, 05.3.2005 p.32