

***Case No COMP/M.4820 -  
BAIN CAPITAL / BRAKE  
BROS***

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: 07/09/2007

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07-IX-2007  
SG-Greffe(2007) D/205385

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.4820 – Bain Capital/ Brake Bros  
Notification of 08/08/2007 pursuant to Article 4 of Council Regulation (EC) No. 139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No. C 189,  
14/08/2007, page 7**

1. On 08/08/2007, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertaking Cucina Acquisition (UK) Limited, controlled by Bain Capital Investors, LLC ('Bain Capital', USA), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Brake Bros Holding I Limited ('Brake Bros', United Kingdom) by way of purchase of shares.

The business activities of the undertakings concerned are:

- for Bain Capital: private equity investment firm,
  - for Brake Bros: foodservice distribution.
2. 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

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

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>.

3. 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