

***Case No COMP/M.4838 -
SLP / TPG V / AVAYA***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 26/09/2007

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26/09/2007

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PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties

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

Subject: Case No COMP/M.4838 – SLP/ TPG V/ AVAYA
Notification of 27/08/2007 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 205,04/09/2007, page 27

1. On 27/08/2007, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings TPG Partners V L.P. ("TPG", U.S.A.) and Silver Lake Partners ("SLP", U.S.A.) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Avaya Inc. ("Avaya", U.S.A.) by way of purchase of shares.
2. The business activities of the undertakings concerned are :
 - for TPG : private equity investment fund
 - for SLP : private equity investment fund
 - for Avaya: communications systems and applications for enterprises.
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

¹ OJ L 24, 29.1.2004 p. 1

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 by Lowri EVANS,
Deputy Director General)
Philip LOWE
Director General

² OJ C 56, 05.3.2005 p.32