

***Case No COMP/M.4964 -
SUN CAPITAL FUNDS /
MARK IV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 14/12/2007

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14/12/2007

SG-Greffe (2007) D/207872

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party

Dear Madam/Sir,

**Subject: Case No COMP/M.4964 – Sun Capital Funds / Mark IV
Notification of 13/11/2007 pursuant to Article 4 of Council Regulation (EC) No. 139/2004 Publication in the Official Journal of the European Union No C278 – 21/11/2007 page 11.**

- (1) On 13.11.2007, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004¹ by which Sun Capital Partners V, L.P. and Sun Capital Partners IV, LP ("Sun Capital Funds", USA) belonging to Sun Capital Partners group intend to acquire within the meaning of Article 3(1)(b) of the Council Regulation control of Mark IV Industries, Inc. ("Mark IV", USA) by way of purchase of shares.
- (2) The business activities of the undertakings concerned are:
 - for Sun Capital Funds: private investment group,
 - for Mark IV: manufacturer of highly engineered systems and components for transportation infrastructure, vehicles, and equipment.
- (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

¹ OJ L 24, 29.1.2004 p. 1

paragraph 5, subparagraphs b of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004.

- (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