

***Case No COMP/M.5021 -
MERCAPITAL /
CARLYLE / ARSYS
GROUP***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 04/02/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 04.02.2008

SG-Greffe(2008) D/200542

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.5021 – Mercapital / Carlyle / Arsys Group
Notification of 21/12/2007 pursuant to Article 4 of Council Regulation (EC) No.
139/2004¹
Publication in the Official Journal of the European Union No. C 009,
15/01/2008**

1. On 21/12/2007, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings Mercapital Private Equity SGEGR, S.A. controlled by Mercapital S.L. ("Mercapital", Spain), and CETP Participations S.A.R.L. SICAR controlled by the Carlyle Group ("Carlyle", US), acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control over the Arsys Group (Spain), by way of purchase of shares.

The business activities of the undertakings concerned are:

- for Mercapital: private equity investment fund;
- for Carlyle: global private equity investment fund;

¹ OJ L 24, 29.1.2004 p. 1

- for the Arsys Group: provider of internet housing and hosting services.

1. 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. 139/2004².
2. 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

² OJ C 56, 05.3.2005 p.32