

***Case No COMP/M.5698 -
ONE EQUITY PARTNERS/
CONSTANTIA***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 13/01/2010

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EUROPEAN COMMISSION

Brussels, 13/01/2010
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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.5698 - One Equity Partners III LP/ Constantia Packaging Notification of 02.12.2009 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 303, 15.12.2009, p.33**

1. On 02.12.2009, the Commission received notification of a proposed concentration pursuant to Article 4 of the EC Merger Regulation by which the undertaking Sulipo Beteiligungsverwaltungs GmbH, an acquisition company based in Vienna, controlled by One Equity Partners advised funds ('OEP', USA) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of Constantia Packaging AG ('CPAG', Austria) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for OEP: private equity funds
 - for CPAG: aluminium, corrugated board/folding carton packaging and flexible packaging

¹ OJ L 24, 29.1.2004, p. 1 (the "EC Merger Regulation").

3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of the EC Merger Regulation and of paragraph 5(b) 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 the EC Merger Regulation.

For the Commission
(signed)
Philip LOWE
Director General

² OJ C 56, 05.3.2005, p. 32 ("Notice on a simplified procedure").