

***Case No COMP/M.6295 -
CVC/ ANDE/ DELACHAUX***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 17/08/2011

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EUROPEAN COMMISSION

Brussels, 17.08.2011
C(2011) 6028

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.6295 - CVC/ ANDE/ DELACHAUX
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 12.07.2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking(s) CVC Capital Partners SICAV-FIS S.A. (Luxemburg) and Ande Investissements S.A. (Luxembourg) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Delachaux S.A. (France) by way of purchase of shares.

The business activities of the undertakings concerned are:

- for undertaking CVC Capital Partners SICAV-FIS: providing investment advice to and/or managing investments on behalf of investment funds (the "CVC Funds"). The CVC Funds hold controlling interests in a number of companies in various industries

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

including chemicals, utilities, manufacturing, retailing and distribution, primarily in Europe and the Asia-Pacific region.

- for undertaking Ande Investissements S.A.: shareholding acquisitions, administration, management and development. Currently, Ande mainly holds and manages the André Delachaux family's shareholdings in the Delachaux group
 - for undertaking Delachaux S.A.: manufacture and production of rail fastening and welding systems, electric power and data transmission systems, magnetics, cabling and chrome metal.²
2. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and, depending on the relevant geographic market definition retained, of either paragraph 5 (b) or paragraph 5 (c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.³
 3. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission
(signed)
Alexander ITALIANER
Director General

² Publication in the Official Journal of the European Union No C 215, 21.07.2011, p.32

³ OJ C 56, 5.3.2005, p. 32.