

***Case No COMP/M.6392 -  
GORES/ MEXX***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION

Date: 17/10/2011

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EUROPEAN COMMISSION

Brussels, 17/10/2011  
C(2011)7559

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying party:**

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

**Subject: Case No COMP/M.6392 - GORES/ MEXX  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No  
139/2004<sup>1</sup>**

1. On 15/09/2011, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the Gores Group LLC ("Gores", United States) acquire sole control over Mexx European Holding B.V. ("Mexx", Netherlands) within the meaning of Article 3(1)(b) of the Merger Regulation by way of purchase of shares<sup>2</sup>.
  
2. The business activities of the undertakings concerned are:
  - for Gores: private equity investor in technology, telecommunications, business services, industrial and apparel sectors primarily in the United States and Western Europe;

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<sup>1</sup> 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.

<sup>2</sup> Publication in the Official Journal of the European Union No C 279, 23/09/2011, p.37

- for Mexx: retail sale of clothing, footwear and accessories and wholesale of clothing and footwear in Europe and North America.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>3</sup>.
  4. 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*

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<sup>3</sup> OJ C 56, 5.3.2005, p. 32.