

***Case No COMP/M. 6550 -  
TowerBrook/ York/  
Apollo/ Monier***

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: 26/04/2012

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EUROPEAN COMMISSION

Brussels, 26.04.2012  
C(2012) 2954

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying parties**

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

**Subject: Case No COMP/M.6550 - TowerBrook/ York/ Apollo/ Monier  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No  
139/2004<sup>1</sup>**

1. On 26 March 2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings TowerBrook Capital Partners (U.K.) LLP ('TowerBrook', United Kingdom), York Capital Global Management Advisors, LLC ('York', USA) and AIF VII Euro Holdings, L.P., LLC, an investment fund managed by an affiliate of Apollo Management L.P. ('Apollo', USA) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertakings Monier Holdings S.C.A. and Monier Holdings GP S.A. ('Monier,' Luxembourg) by way of purchase of shares<sup>2</sup>.
2. The business activities of the undertakings concerned are:
  - for TowerBrook: private equity investment,
  - for York: management of investment funds,
  - for Apollo: portfolio investments,

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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 99, 3.4.2012, p. 12.

- for Monier: manufacturer and supplier of roofing tiles, components for roofs and chimney and ventilation systems.
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 (b) 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.