

***Case No COMP/M.6699 -
MEP/ WALACH BROS/
WALMARK***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 21/11/2012

***In electronic form on the EUR-Lex website under document
number 32012M6699***



EUROPEAN COMMISSION

Brussels, 21.11.2012
C(2012) 8647

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.6699 - MEP/ WALACH BROS/ WALMARK
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On **22/10/2012** the European Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 by which the undertakings Mid Europa Partners ("MEP") (UK) and Aternus (Czech Republic) controlled by Adam Walach, Valdemar Walach and Mariusz Walach ("the Controlling Sellers") acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Walmark (Czech Republic), currently solely controlled by the controlling sellers, by way of purchase of shares².
2. The business activities of the undertakings concerned are:
 - for MEP: management of investment funds focused on Central Europe and Turkey, which invest in companies in a number of sectors; MEP owns, amongst others, Zabka, a chain of convenience stores in Poland,

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.

² Publication in the Official Journal of the European Union No C 339, 07.11.2012, p.14

- for the Controlling Sellers: the management of Walmark which is active in the production and distribution of dietary supplements, OTC and other related products, The Controlling Sellers also derive income from three independent pharmacies and lease of property in the Czech Republic.
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)ii of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
 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

³ OJ C 56, 5.3.2005, p. 32.