

***Case No COMP/M.6727 - CARLYLE/ DUPONT
PERFORMANCE COATINGS BUSINESS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 23/10/2012

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EUROPEAN COMMISSION

Brussels, 23.10.2012
C(2012) 7607

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

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

**Subject: Case No COMP/M.6727 - CARLYLE/ DUPONT PERFORMANCE
COATINGS BUSINESS
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 25 September 2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Flash Bermuda Co. Ltd (Bermuda), an acquisition vehicle owned and controlled by funds managed by The Carlyle Group ("Carlyle", USA), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of DuPont Performance Coatings ("DPC", USA), a business unit of E. I. du Pont de Nemours and Company, by way of purchase of shares.²

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 297, 3.10.2012, p. 7.

2. The business activities of the undertakings concerned are:
 - for Carlyle: global alternative asset management.
 - for DPC: manufacture and sale of liquid and powder coatings.
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 139/2004.³
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.