

***Case No COMP/M.6939 - CVC/ ISTA***

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: 13/06/2013

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EUROPEAN COMMISSION

Brussels, 13.6.2013  
C(2013) 3813

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying party:**

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

**Subject: Case No COMP/M.6939 – CVC/ ISTA  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>1</sup>**

1. On 08.05.2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking CVC Capital Partners SICAV-FIS S.A. ("CVC", Luxemburg) will acquire, within the meaning of Article 3(1)(b) of the Merger Regulation, indirect sole control over ista International GmbH (Germany) as well as over its current direct shareholder ista Luxemburg GmbH (Luxembourg) (collectively "ista") by way of purchase of shares.<sup>2</sup>
2. The business activities of the undertakings concerned are:
  - for CVC: advice to and management of investment funds;
  - for ista: consumption based measurement and invoicing of electricity, gas, heat and water.

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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 C138, 17.5.2013, p. 35.

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.