

EN

Case No COMP/M.6951 - BAIN CAPITAL/ FTE

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 09/07/2013

***In electronic form on the EUR-Lex website under document
number 32013M6951***



EUROPEAN COMMISSION

Brussels, 8.7.2013
C(2013) 4464 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

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

**Subject: Case No COMP/M.6951 - BAIN CAPITAL/ FTE
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 05/06/2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the Bain Capital Europe Fund III, L.P, part of Bain Capital Investors, LLC. ("Bain Capital", USA), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control over FTE Verwaltungs GmbH ("FTE", Germany) by way of a purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Bain Capital: private equity investment firm, active worldwide across most industries, including information technology, healthcare, retail and consumer products, communications, chemicals, financial and industrial/manufacturing;
 - for FTE: manufacturing company, active worldwide in particular in the development, production and sale of hydraulic clutch actuation and hydraulic brake systems and components.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.

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 139/2004³.
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

² Publication in the Official Journal of the European Union No C 166 of 12.6.2013, p.7.

³ OJ C 56, 5.3.2005, p. 32.