

***Case No COMP/M.7049 - CD&R/ HARSCO
INFRASTRUCTURE***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 28/10/2013

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EUROPEAN COMMISSION

Brussels, 28.10.2013
C(2013) 7291

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

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

**Subject: Case No COMP/M.7049 - CD&R/ HARSCO INFRASTRUCTURE
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 30.09.2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Clayton, Dubilier & Rice Fund IX, L.P., controlled by Clayton, Dubilier & Rice ("CD&R", USA), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the Infrastructure Division of Harsco Corporation ("Harsco Infrastructure", USA) by way of purchase of shares and assets.²

2. The business activities of the undertakings concerned are:

- CD&R is a US based private equity investment group which originates, structures and frequently acts as lead equity investor in management buyouts, strategic minority investments and other strategic investments.

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 C292, 8.10.2013, p. 5.

- Harsco Infrastructure is currently one of the four business divisions of Harsco Corporation. It provides scaffolding, shoring, concrete forming and other access-related services for construction projects as well as industrial project engineering, equipment rental and installation services worldwide.

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) 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.