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***Case No M.7751 - CVC
CAPITAL PARTNERS
SICAV-FIS / PKP
ENERGETYKA***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 09/09/2015

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EUROPEAN COMMISSION

Brussels, 9.9.2015
C(2015) 6306 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

Dear Sirs,

**Subject: Case M.7751 – CVC CAPITAL PARTNERS SICAV-FIS / PKP
ENERGETYKA
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

1. On 12/08/2015, 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 SA (Luxembourg) ('CVC'), through certain CVC Funds, acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking PKP Energetyka SA. (Poland) ('PKP') by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for CVC: CVC Funds hold interests in a number of companies in various industries including chemicals, utilities, manufacturing, retailing and distribution, primarily in Europe, the US and the Asia-Pacific region,

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 OJ L 1, 3.1.1994, p. 3 ("the EEA Agreement").

³ Publication in the Official Journal of the European Union No C 276, 21.8.2015, p. 4.

- PKP is an undertaking active in Poland in: (a) the distribution of electricity; (b) the sale of electricity to retail, commercial and industrial clients; (c) the provision of power engineering services, including: (i) the construction, modernisation and maintenance of power distribution networks; (ii) the modernisation of railway infrastructure; (iii) the maintenance of traction power supply systems; and (iv) other power engineering services; (d) the sale of diesel oil for diesel railway vehicles; and (e) the sale of natural gas to industrial and commercial clients.
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 139/2004.⁴
 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 and Article 57 of the EEA Agreement.

For the Commission
(signed)
Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.