

***Case No COMP/M.7807 - SUN CAPITAL/ FINLAYS  
HORTICULTURE***

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: 29/10/2015

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EUROPEAN COMMISSION

Brussels, 29 October 2015  
C(2015) 7667 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying party:**

Dear Sirs,

**Subject: Case M.7807 - SUN CAPITAL/ FINLAYS HORTICULTURE  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup>**

1. On 5 October 2015 the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Sun Capital Partners VI, L.P., ultimately controlled by Sun Capital Partners, Inc. ('Sun Capital', United States), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of Finlays Horticulture Investments Limited and Finlays Horticulture Holdings Limited (together 'Finlays Horticulture', United Kingdom) by way of purchase of shares.<sup>2</sup>
2. The business activities of the undertakings concerned are:
  - for Sun Capital: private equity investment through leveraged buyouts, equity, debt, and other tools in a variety of industries worldwide,

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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 C 338, 13.10.2015, p. 9.

- for Finlays Horticulture: the growing, processing, marketing and distribution of sustainably produced cut flowers, premium and prepared vegetables and fresh herbs.
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. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

*For the Commission*  
*(Signed)*  
*Johannes LAITENBERGER*  
*Director-General*

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<sup>3</sup> OJ C 366, 14.12.2013, p. 5.