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EUROPEAN COMMISSION
DG Competition

***Case M.7856 - THOMA BRAVO / SILVER LAKE GROUP /
SOLARWINDS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 15/12/2015

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EUROPEAN COMMISSION

Brussels, 15.12.2015
C(2015) 9597 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

Dear Sirs,

**Subject: Case M.7856 – THOMA BRAVO / SILVER LAKE GROUP / SOLARWINDS
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 17 November 2015, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Thoma Bravo, L.L.C. ("Thoma Bravo", USA) and Silver Lake Group, L.L.C ("Silver Lake", USA) acquire, within the meaning of Article 3(1)(b) of the Merger Regulation, joint control of the undertaking SolarWinds, Inc. ("SolarWinds", USA), by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for Thoma Bravo: investment management in private equity, with a particular focus on application and infrastructure software, and provision of capital, strategic and operational support to businesses;
 - for Silver Lake: investment management in private equity;

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 388, 21.11.2015, p.17.

- for SolarWinds: design, development and supply of enterprise-class information technology infrastructure management software to IT and development and operations professionals to manage on-premise, hybrid cloud and public cloud environments.
- 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 6 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.