



EUROPEAN COMMISSION
DG Competition

Case M.8219 - CD&R / DRIVE DEVILBISS HEALTHCARE

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 27/10/2016

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EUROPEAN COMMISSION

Brussels, 27.10.2016
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PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party

Dear Sirs,

**Subject: Case M. 8219 - CD&R / DRIVE DEVILBISS HEALTHCARE
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 05.10.2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which CD&R Reign Topco, Inc. ultimately controlled by Clayton, Dubilier & Rice, Inc. ("CD&R", USA) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Medical Depot Holdings, Inc., doing business as Drive DeVilbiss Healthcare ("Drive", USA), by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for CD&R: an equity investor in management buyouts, strategic minority equity investments and other strategic investments through funds controlling a number of portfolio companies which are active in a variety of economic sectors, globally.
 - for Drive: manufacturing and distribution of medical equipment, including mobility products, sleep and respiratory products, beds, bariatric products, wheelchairs, sleep surfaces and pressure prevention products, self-assist products, power operated wheelchairs, rehabilitation products, patient room equipment, personal care products and electrotherapy devices, predominantly for patients' home care needs, globally.

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 378, 14.10.2016, p. 22.

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.