



EUROPEAN COMMISSION
DG Competition

***Case M.8328 - THE
CERBERUS GROUP /
STAPLES EUROPE***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 25/01/2017

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EUROPEAN COMMISSION

Brussels, 25.1.2017
C(2017) 492 final

PUBLIC VERSION

To the notifying party:

**Subject: Case M.8328 – THE CERBERUS GROUP / STAPLES EUROPE
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**

Dear Sir or Madam,

1. On 22 December 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Promontoria Holding 192 B.V. (“Promontoria”) belonging to the Cerberus Group (“Cerberus”, U.S.) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking Staples Solutions B.V. (“Staples Europe”, The Netherlands) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for **Cerberus**: A private investment firm which is engaged in investment in real property and personal property of all kinds, including, but not limited to, capital stock, depository receipts, investment companies, mutual funds, subscriptions, warrants, bonds, notes, debentures, options and other securities of different kinds and nature in diverse industries worldwide. Although no particular industry constitutes a significant proportion of the Cerberus Group’s turnover, some of the main sectors in which the undertakings controlled by the Cerberus Group generate turnover are financial services, manufacturing, building materials and real estate;

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 7, 10.1.2017, p.2.

- for **Staples Europe**: A provider of office supplies, technology products and services, facilities and breakroom supplies, furniture, copy and print services and a wide range of other product categories to businesses and consumers.
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.