



EUROPEAN COMMISSION
DG Competition

***Case M.8332 - KII / GGC /
INFOR***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 06/02/2017

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EUROPEAN COMMISSION

Brussels, 6.2.2017
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PUBLIC VERSION

To the notifying parties:

**Subject: Case M.8332 - KII / GGC / INFOR
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 11 January 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Koch Industries, Inc ("Koch Industries", USA) and Golden Gate Private Equity, Inc ("Golden Gate", USA) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Infor, Inc ("Infor", USA) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - **Koch Industries** is a privately held U.S. corporation which owns a diverse group of companies involved in refining, chemicals and biofuels, forest and consumer products, fertilizers, polymers and fibers, electronic components, process and pollution control equipment and technologies, commodity trading, minerals, energy ranching, and investments.
 - **Golden Gate** is a San Francisco-based private equity investment firm with approximately USD 15 billion of capital under management. Founded in 2000, Golden Gate is dedicated to partnering with management teams to invest in change-

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 16, 18.1.2017, p. 8.

intensive growth businesses. The principals of Golden Gate have a long and successful history of investing with management teams across a wide range of industries and transaction types, including leveraged buyouts, recapitalizations, corporate divestitures and spin-offs and buildups.

- **Infor** is an international provider of enterprise resource planning software and related services globally.
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.