



EUROPEAN COMMISSION  
DG Competition

***Case M.8432 - BAIN CAPITAL / MKM BUILDING  
SUPPLIES***

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: 28/04/2017

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EUROPEAN COMMISSION

Brussels, 28.4.2017  
C(2017) 2952 final

PUBLIC VERSION

**To the notifying party**

**Subject: Case M.8432 – Bain Capital/MKM Building Supplies  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European Economic Area<sup>2</sup>**

Dear Sir or Madam,

1. On 3 April 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Bain Capital Investors, LLC ('Bain Capital', US) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertaking M.K.M. Building Supplies (Holdings) Limited ('M.K.M.', UK) by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - for Bain Capital: advice to and management of investment funds,
  - for M.K.M.: the retail supply to trade and Do-It-Yourself (DIY) customers in the UK of heavy-side and light-side building products including building materials, timber, plumbing and heating, kitchen fittings, and bathroom fittings.
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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>4</sup>

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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> OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

<sup>3</sup> Publication in the Official Journal of the European Union No C 111, 8.4.2017, p. 17.

<sup>4</sup> OJ C 366, 14.12.2013, p. 5.

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*