



EUROPEAN COMMISSION
DG Competition

***Case M.8557 - CCMP CAPITAL / MSD AQUA PARTNERS /
HAYWARD INDUSTRIES***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 26/07/2017

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EUROPEAN COMMISSION

Brussels, 26.7.2017
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PUBLIC VERSION

To the notifying parties:

**Subject: Case M.8557 – CCMP CAPITAL / MSD AQUA PARTNERS / HAYWARD INDUSTRIES
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 29 June 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which CCMP Capital, LP ("CCMP", USA) and MSD Aqua Partners, LLC ("MSD Aqua", USA), controlled by MSD Partners LP ("MSD Partners", USA) and belonging to the MSD group of companies, indirectly acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Hayward Industries, Inc. ("Hayward", USA) by way of a purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for CCMP: global private equity firm focused on making buyout and growth equity investments in North America and Europe in the consumer, industrial and healthcare industries;
 - for MSD Aqua: investment entity within the MSD group of companies which is active in the debt and equity of public and private companies, real estate and other asset classes;
 - for Hayward: manufacturer and supplier of swimming pool equipment.

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 220, .08.7.2017, p. 65.

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.