



EUROPEAN COMMISSION

DG Competition

***Case M.10111 - CVC /  
VIVARTIA HOLDINGS***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION

Date: 08/03/2021

***In electronic form on the EUR-Lex website under  
document number 32021M10111***



## EUROPEAN COMMISSION

Brussels, 8.3.2021  
C(2021) 1642 final

### **PUBLIC VERSION**

CVC Capital Partners SICAV-FIS S.A.  
20 Avenue Monterey  
2163 Luxembourg  
Luxembourg

**Subject: Case M.10111 – CVC / VIVARTIA HOLDINGS  
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 12 February 2021, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which CVC Capital Partners SICAV-FIS S.A. ('CVC Capital Partners', Luxembourg), acquires within the meaning of Article 3(1)(b) of the Merger Regulation indirect sole control of the whole of Vivartia Holdings S.A. ('Vivartia Holdings', Greece). The concentration is accomplished by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - for CVC Capital Partners: CVC Capital Partners and its subsidiaries manage investment funds and platforms,
  - for Vivartia Holdings: production and sale of various dairy products, juices, mixed frozen, and ready-to-cook vegetable combinations. Vivartia Holdings is also the owner and franchisor of several branded restaurants and coffee shops, and also serves other restaurants, cafés, and pastry shops.
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

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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 59, 19.02.2021, p. 12.

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>

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)*  
*Olivier GUERSENT*  
*Director-General*

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