



EUROPEAN COMMISSION
DG Competition

***Case M.11426 - PLATINUM EQUITY /
KOHLER ENERGY***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 03/04/2024

***In electronic form on the EUR-Lex website under document
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EUROPEAN COMMISSION

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PUBLIC VERSION

Platinum Equity Group
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**Subject: Case M.11426 – PLATINUM EQUITY / KOHLER ENERGY
Commission decision pursuant to Article 6(1)(b) of Council Regulation
(EC) No 139/2004 ⁽¹⁾ and Article 57 of the Agreement on the European
Economic Area ⁽²⁾**

Dear Sir or Madam,

- (1) On 7 March 2024, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertaking Platinum Equity Group (United States), will acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the whole of Kohler Energy (United States), controlled by Kohler Co. (United States), by way of purchase of shares. ⁽³⁾ Kohler Energy comprises the following entities: (1) Curtis Instruments, Inc. and its subsidiaries, (2) Heila Technologies, Inc., (3) Clarke Energy USA, Inc., (4) Newco LLC, a newly incorporated entity over which certain assets of Kohler Co. will be contributed, (5) Kohler Italy S.R.L. and its subsidiaries, (6) SDMO Holding S.A.S. and its subsidiaries, (7) KK Daytona Holdings Ltd. and its subsidiaries, (8) Uninterruptable Power Supplies Limited and its subsidiaries, (9) Powerwave Energy Limited, (10) Kohler Power System Netherlands B.V., (11) Kohler de Mexico S.A. de C.V., (12) Powerwave Energy Ltd (UK), (13) Kohler Singapore PTE. Ltd., (14) Chongqing Kohler Engines, Ltd., (15) Changzhou Kohler Power Ltd., and (16) SDMO GmbH.
- (2) The business activities of the undertakings concerned are the following:
- Platinum Equity Group specializes in the merger, acquisition and operation of companies that provide services and solutions to customers in a broad range of businesses, including information technology, telecommunications, logistics, metal services, manufacturing, and distribution,

⁽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⁾ OJ C, C/2024/2202, 15.3.2024.

- Kohler Energy’s entities manufactures industrial energy systems, powertrain technologies and home energy solutions.
- (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(d) of the Commission Notice on a simplified treatment for certain concentrations under Council Regulation (EC) No 139/2004. ⁽⁴⁾
- (4) For the reasons set out in the Notice on a simplified treatment, 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

⁽⁴⁾ OJ C 160, 5.5.2023, p. 1 (the ‘Notice on a simplified treatment’).