



DETERMINATION OF MERGER NOTIFICATION M/07/067 – CAPVEST/ DRIE MOLLEN

Section 21 of the Competition Act 2002

Proposed acquisition by CapVest Equity Partners II, LP of Drie Mollen International B.V.

Dated 03/01/08

Introduction

1. On 14 December 2007, the Competition Authority (“the Authority”), in accordance with section 18(1)(a) of the Competition Act, 2002 (“the Act”) was notified on a mandatory basis of the proposed acquisition of Drie Mollen International B.V. (“Drie Mollen”) including its direct and indirect subsidiaries, by CapVest Equity Partners II, LP (“CapVest Equity Partners II”) through an unnamed acquisition vehicle.

The Undertakings Involved

The Acquirer

2. CapVest Equity Partners II is a Bermudan registered limited partnership and is a private equity fund focusing on European mid-market buy outs. [Businesses in the portfolio of CapVest Fund II include]:
 - FoodVest which is a holding company comprising:
 - i. Young’s Bluecrest which is active in the UK seafood market; and,
 - ii. Findus AB which is active in the frozen food market.
 - Mater Private Hospital (“MPH”) which is active in the provision of private healthcare in the State.
3. FoodVest’s turnover in the State for the year ending September 2006 was Stg£[..] (approximately €[..]¹), and MPH’s turnover in the State for the financial year ending December 2006 was €[..].

The Target

4. Drie Mollen is a dutch based coffee company active in the marketing and sale of coffee in the State through three business divisions: First Choice Coffee; Gala Coffee; and, Drie Mollen Holdings. In the financial year ending December 2006 Drie Mollen generated a turnover in the State of €1.07 million.

¹ Converted from Stg into Euro using the ECB reference rate at 02/01/08.

Analysis

5. There is no horizontal or vertical overlap between the activities of the undertakings involved in the State. The Authority therefore considers that the proposed transaction does not raise competition concerns in the State.

Ancillary Restraints

6. The Authority also reviewed the two year non-solicitation clause agreed by the parties. The Authority believes that such a clause is directly related to and does not go beyond what is necessary for the implementation of the proposed acquisition.

Determination

7. The Competition Authority, in accordance with section 21(2)(a) of the Competition Act, 2002, has determined that, in its opinion, the result of the proposed acquisition by CapVest Equity Partners II, LP of Drie Mollen International B.V. will not be to substantially lessen competition in markets for goods and services in the State and, accordingly, that the acquisition may be put into effect.

For the Competition Authority

Dr. Paul K. Gorecki
Member of the Competition Authority