

Prior notification of a concentration**(Case COMP/M.6953 — Bain Capital Investors/Golden Gate Capital/BMC Software)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2013/C 153/05)

1. On 24 May 2013, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertakings Bain Capital Investors, LLC ('Bain Capital Investors', USA) and Golden Gate Capital Opportunity Funds, LP ('Golden Gate Capital', USA), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over BMC Software, Inc. ('BMC', USA) by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- Bain Capital Investors is a private equity investment firm,
- Golden Gate Capital is a private equity investment firm,
- BMC is active in the provision of IT management and server management software and related services.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6953 — Bain Capital Investors/Golden Gate Capital/BMC Software, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

⁽²⁾ OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').