

***Case No COMP/M.2995 -
APAX EUROPE V /
GOLDMAN SACHS /
PROVIDENCE /
TELEKOM CABLE / JV***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 28/02/2003

*Also available in the CELEX database
Document No 303M2995*



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28/02/2003

SG (2002) D/228813

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

Dear Madam(s) and/or Sir(s),

**Subject: Case No. COMP/M.2995 – Apax Europe V/Goldman Sachs/Providence/Telekom Cable/JV
Notification of 30/01/2003 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89¹
Publication in the Official Journal of the European Communities No. C 29 of 05/02/2003, page 9**

1. On 30.01.2003, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 by which the undertakings Apax Europe V (Guernsey / Channel Islands), The Goldman Sachs Group, Inc., (“Goldman Sachs”, USA) and Providence Equity Partners Ltd. (“Providence”, United Kingdom) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertakings Kabel Hamburg/Schleswig-Holstein/Mecklenburg-Vorpommern GmbH & Co. KG, Kabel Niedersachsen/Bremen GmbH & Co. KG, Kabel Berlin/Brandenburg GmbH & Co. KG, Kabel Sachsen/Sachsen-Anhalt/Thüringen GmbH & Co. KG, Kabel Rheinland-Pfalz/Saarland GmbH & Co. KG, und Kabel Bayern GmbH & Co. KG (altogether “the Regional Cable Companies”, Germany) as well as MSG Media Service GmbH (“MSG”, Germany) and DeTeKabelService Deutsche Telekom Kabel Service GmbH (“DeTeKS”, Germany) by way of purchase of shares.

¹ OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

2. The business activities of the undertakings concerned are:
 - for undertaking Apax Europe V: investment fund
 - for undertaking Goldman Sachs: investment banking, asset management, securities services
 - for undertaking Providence: investment fund
 - for undertakings the Regional Cable Companies: operation of regional broadband cable networks
 - for undertaking MSG: technical operation and marketing of channels and a digital platform via broadband cable networks
 - DeTeKS: broadband cable services to consumers.
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89².
4. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market
5. and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EEC) No. 4064/89.

For the Commission,
Signed,
Mario MONTI
Member of the Commission

² OJ C 217, 29.07.2000, p. 32.