

***Case No COMP/M.3263 -
3i GROUP / REFRESCO***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 04/09/2003

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 04.09.2003
SG(2003)D/231562

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

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

**Subject: Case No COMP/M.3263 -3i GROUP/REFRESCO
Notification of 6 August 2003 pursuant to Article 4 of Council Regulation
(EEC) No. 4064/89
Publication in the Official Journal of the European Communities No. C 195 of
19.08.2003, page 7**

1. On 6.8.2003, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89¹, as last amended by Regulation (EC) No 1310/97², by which 3i Group plc ("3i", UK) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of Refresco Holding B.V. ("Refresco", NL) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for 3i: venture capital company
 - for Refresco: manufacturer of fruit juices and soft drinks

¹ OJ L 395, 30.12.1989 p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

² OJ L 180, 9. 7. 1997, p. 1; corrigendum OJ L 40, 13.2.1998, p. 17.

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, subparagraph c of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/893.
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 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)
Franz FISCHLER
Member of the Commission

³ OJ C 217, 29.07.2000, p. 32.