

***Case No COMP/M.4021 -
CRH / BAUBEDARF
LEHMANN / DIETER
NIEDERSTE-
HOLLENBERG /
BAUKING***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 01/12/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 01/12/2005

SG-Greffe(2005) D/206500/1/2

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties

Dear Madam or Sir,

Subject: Case No. COMP/M.4021 – CRH / Baubedarf Lehrmann / Dieter Niederste-Hollenberg / Bauking

Notification of 28 October 2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹

Publication in the Official Journal of the European Communities No. C 278 of 11 November 2005, page 16.

1. On 28 October 2005, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings CRH Deutschland GmbH controlled by CRH plc (“CRH”, Ireland), Baubedarf Lehrmann Holding GmbH & Co. KG (“Baubedarf Lehrmann”, Germany) and Mr. Dieter Niederste-Hollenberg (Germany) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Bauking AG (“Bauking”, Germany) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for undertaking CRH : production and distribution of building materials;
 - for undertaking Baubedarf Lehrmann : real estate property;
 - for undertaking Dieter Niederste-Hollenberg : real estate property;
 - for undertaking Bauking : Do-it-yourself outlets, builders merchant.

¹ OJ L 24, 29.1.2004 p. 1.

3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5, subparagraph c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².
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 (EC) No. 139/2004.

For the Commission,
(signed)
Neelie KROES
(Member of the Commission)

² OJ C 56, 5.3.2005, p. 32