

***Case No COMP/M.5034 -  
GIP / MONTAGU /  
BIFFA***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 11/03/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels 11/03/2008  
SG-Greffe(2008) D/201045/201046

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying parties**

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

**Subject: Case No. COMP/M.5034 - GIP / MONTAGU / BIFFA**  
**Notification of 11.02.2008 pursuant to Article 4 of Council Regulation (EC) No. 139/2004<sup>1</sup>**  
**Publication in the Official Journal of the European Union No. C 21 of 26.01.2008, page 21**

1. On 11.02.2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings Montagu Private Equity LLP ("Montagu", United Kingdom) and Global Infrastructure Partners ("GIP", United States) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Biffa PLC ("Biffa", United Kingdom) by way of purchase of shares.

The business activities of the undertakings concerned are:

- for Montagu: private equity fund;
- for GIP: private equity fund;
- for Biffa: collection, treatment, disposal and recycling of municipal, commercial and industrial waste.

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<sup>1</sup> OJ L 24, 29.1.2004 p. 1

2. 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. 139/2004<sup>2</sup>.
3. 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)  
Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005 p.32