

***Case No COMP/M.5208 -  
BILFINGER BERGER /  
M+W ZANDER FM***

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: 27/06/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27/06/2008

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PUBLIC VERISON

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying party:**

Dear Madam, Dear Sir,

**Subject: Case No. COMP/M.5208 - BILFINGER BERGER/ M+W ZANDER FM  
Notification of 28.05.2008 pursuant to Article 4 of Council Regulation (EC) No.  
139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No. C141 of 7 June  
2008, p.32**

1. On 28 May 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004, by which the undertaking Bilfinger Berger AG ('Bilfinger Berger', Germany) through its subsidiary Bilfinger Berger Facility Services GmbH acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking M+W Zander D.I.B. Facility Management GmbH ('M+W Zander FM', Germany) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - for Bilfinger Berger: construction engineering, construction on and below the surface nationally and abroad, private exploitation models and services (especially services for industry, power plants and real estate, such as Facility Management),

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

— for M+W Zander FM: facility management services.

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 5c of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004<sup>2</sup>.
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)*  
Philip LOWE  
Director General

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