

***Case No COMP/M.2531 -  
SARA LEE /  
EARTHGRAINS***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 06/08/2001

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 6.08.2001

SG (2001) D/290841

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.2531 - SARA LEE/EARTHGRAINS**

**Notification of 05/07/2001 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89<sup>1</sup>  
Publication in the Official Journal of the European Communities No. C201, date 17.07.2001,  
page 4.**

1. On 05/07/2001 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the US based Sara Lee Corporation acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of The Earthgrains Company of the USA by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - for Sara Lee Corporation: Production, sale and marketing of consumer packaged goods including foods and beverages.

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<sup>1</sup> 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.

- for The Earthgrains Company: Manufacture, sale and distribution of packaged fresh bread and baked goods, refrigerated dough and snacks.
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(c), of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89<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 (EEC) No. 4064/89.

For the Commission

Frits BOLKESTEIN  
Member of the Commission

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<sup>2</sup> OJ C 217, 29.07.2000, p. 32.