

***Case No COMP/M.2759 -  
INDUSTRI KAPITAL /  
GARDENA***

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: 26/04/2002

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26/04/2002

SG (2002) D/229617

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.2759 – INDUSTRI KAPITAL / GARDENA  
Notification of 22/03/2002 pursuant to Article 4 of Council Regulation (EEC)  
No. 4064/89<sup>1</sup>  
Publication in the Official Journal of the European Communities No. C 79 of  
03/04/2002, page 15.**

1. On 22/03/2002, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertaking Industri Kapital 2000 Ltd (“Industri Kapital”, Channel Islands) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the undertaking Gardena Holding AG (“Gardena”, Germany) by way of purchase of shares.
2. The business activities of the undertakings concerned are :
  - for Industri Kapital : investment company
  - for Gardena: garden equipment for the garden leisure market

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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.

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 b, 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

Mario MONTI  
Member of the Commission

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