

***Case No COMP/M.2800 -
BRACK CAPITAL /
HASLEMERE***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 03/05/2002

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 03/05/2002

SG (2002) D/229668/229669/229670

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties

Dear Sirs,

**Subject: Case No. COMP/M.2800 – BRACK CAPITAL / HASLEMERE
Notification of 27/03/2002 pursuant to Article 4 of Council Regulation (EEC)
No. 4064/89¹
Publication in the Official Journal of the European Communities No. C 90,
16/4/2002 page 2.**

1. On 27/03/2002, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which Brack Capital Real Estate Ltd (Israel), belonging to the Brack Capital Group (“Brack Capital”), Apollo International S.a.r.l. (Luxembourg) (“Apollo”), and Merrill Lynch IBK, belonging to Merrill Lynch Inc. (United States) (“Merril Lynch”), acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Haslemere N.V. (the Netherlands) (“Haslemere”) by way of public bid announced on 28/3/2002.

¹ 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.

2. The business activities of the undertakings concerned are :
- for undertaking Brack Capital: real estate activities, investment and incubation in high technology.
 - for undertaking Apollo International S.a.r.l.: operation of investment funds investing in real estate and industrial companies.
 - for undertaking Merrill Lynch Inc.: global investment banking services.
 - for undertaking Haslemere N.V.: project development and holding of properties.
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 c of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89².
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

Signed by Mario MONTI
Member of the Commission

² OJ C 217, 29.07.2000, p. 32.