

***Case No COMP/M.3021 -
APAX / DUKE / FOCUS
WICKES / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 14/01/2003

*Also available in the CELEX database
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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.01.2003

SG (2002) D/228088

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties

Dear Madam, dear Sir,

**Subject: Case No. COMP/M.3021 - Apax / Duke / Focus Wickes / JV
Notification of 29 November 2002 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89¹
Publication in the Official Journal of the European Communities No. C 308, 11/12/2002, page 35**

1. On 29 November 2002, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 by which the undertakings Apax Europe V ("Apax") and Duke Street Capital Holdings Limited ("Duke") acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Focus Wickes Limited ("Focus Wickes") by way of purchase of shares in a newly created company constituting a joint venture. Focus Wickes is currently sole-controlled by Duke.
2. The business activities of the undertakings concerned are :

Apax: investment partnerships with shareholdings in a range of industries

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.

Duke: holding company for a number of limited investment partnerships with diversified shareholdings

Focus Wickes: sale of repair, maintenance and improvement products for the home

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 4064/89².
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

Mario MONTI
Member of the Commission

² OJ C 217, 29.07.2000, p. 32.