

***Case No COMP/M.3223 -
ONEX / KIEFT / NEUE
FILMPALAST***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 04/08/2003

*Also available in the CELEX database
Document No 303M3223*



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 04/08/2003

SG (2003) D/231173

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.3223 – Onex/ Kieft & Kieft/ Neue Filmpalast
Notification of 2 July 2003 pursuant to Article 4 of Council Regulation (EEC)
No. 4064/89¹
Publication in the Official Journal of the European Communities No. C 170,
19/07/2003**

1. On 2 July 2003, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertakings Onex Kinos GmbH (“Onex GmbH”, Germany), controlled by Onex Corporation (“Onex”, Canada) and Kieft & Kieft Filmtheater GmbH (“K&K”, Germany), jointly controlled by Amalgamated Holdings Limited (“AHL”, Australia) and by siblings Marlis and Hans-Heinrich Kieft, acquire joint control within the meaning of Article 3(1)(b) of the Council Regulation of the whole of Neue Filmpalast GmbH & Co. (“Neue Filmpalast”, Germany) by way of purchase of shares.

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 :
- Onex : acquiring, administrating and divesting participations in undertakings,
 - K&K : operating movie theatres in Germany,
 - Neue Filmpalast: operating movie theatres in Germany.
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, subparagraphs a, 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
Signed
Mario MONTI
Member of the Commission

² OJ C 217, 29.07.2000, p. 32.