

***Case No COMP/M.3513 -
CATERPILLAR / XPART***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 20/08/2004

*Also available in the CELEX database
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EUROPEAN COMMISSION

Competition DG

Consumer goods

Brussels, 20 VIII 2004

SG-Greffe(2004) D/203612

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

Dear Madam and/or Sir,

**Subject: Case No COMP/M.3513-Caterpillar / Xpart
Notification of 20 July 2004 pursuant to Article 4 of Council Regulation
(EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C194 of
30/07/2004, page 7.**

1. On 20 July 2004, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which Caterpillar Logistics Services (UK) Ltd (“CAT”), belonging to the Caterpillar group, acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the business of Xpart Ltd (“Xpart”, UK), a subsidiary of Phoenix Venture Holdings (UK) by way of purchase of assets.
2. The business activities of the undertakings concerned are:
 - Xpart operates world-wide in the business of purchasing and marketing of parts and accessories for passenger cars and light commercial vehicles, in particular for MG Rover vehicles.
 - CAT is a provider of contract logistics services, and has been providing logistics services to Xpart since 2001. CAT’s ultimate parent is Caterpillar Inc (USA), which is a manufacturer of equipment for a number of different industries, such as construction and mining. None of its products are used in passenger cars or light commercial vehicles.

¹ OJ L 24, 29.1.2004 p. 1.

3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Regulation (EC) No 139/2004 and of paragraph 5, subparagraph (b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No139/2004².
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 (EC) No. 139/2004.

For the Commission,

Signed,
Mario MONTI
Member of the Commission

² Available on DG COMP Website:
http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified_tru.pdf.