

***Case No COMP/M.3540 -
CERBERUS / GDX***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 27/08/2004

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

Brussels, 27-VIII-2004

SG-Greffe(2004) D/2037781

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

Dear Sirs,

**Subject: Case No. COMP/M.3540 - Cerberus/GDX
Notification of 23 July 2004 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. 196 of 3/08/2004, p.6.**

1. On 23.07.2004, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking GDH Holdings LLC (“Holdings”, United-States) controlled by the Cerberus group (“Cerberus”, United States) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of parts of the undertaking GDH Automotive business (“GDH”, United-States), controlled by GenCorp Inc. (United-States), by way of purchase of assets.
2. The business activities of the undertakings concerned are :
 - for Holdings / Cerberus: Financial investment company
 - for GDH : manufacture of automotive components

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

Mario MONTI
Member of the Commission

² Adopted by the Commission on 20 July 2004 and available on DG COMP website: http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified_tru.pdf.