

***Case No COMP/M.3611 -
BORGWARNER / BERU***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 17/12/2004

***In electronic form on the EUR-Lex website under document
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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17/12/2004

SG-Greffe(2004) D/205941

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

Dear Madam(s) and/or Sir(s),

**Subject: Case No. COMP/M.3611 – BORGWARNER/BERU
Notification of 17.11.2004 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 288,
25.11.2004, p.4.**

1. On 17.11.2004, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 by which the undertaking BorgWarner Germany GmbH belonging to the BorgWarner Group (“BorgWarner”, USA) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking BERU AG (“BERU”, Germany) by way of purchase of shares.

¹ OJ L 24, 29.1.2004 p. 1

2. The business activities of the undertakings concerned are :
 - for BorgWarner : global supplier of parts and components primarily for engine and drivetrain applications for automotive OEMs;
 - for BERU : supplier of parts, components and systems for automotive and industrial OEMs and the aftermarket.
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5, subparagraph c of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) 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

Neelie KROES
Member of the Commission
signed

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