

***Case No COMP/M.3704 -
CVC / MIVISA***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 09/03/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 9/03/2005

SG-Greffe(2005) D/ 201037

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party

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

Subject: Case No COMP/M. 3704 - CVC/Mivisa

Notification of 09.02.2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹

Publication in the Official Journal of the European Communities No. C 44 of 19.02.2005, page 3.

1. On 09.02.2005, 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 Sofamen XXI S.L. belonging to the CVC Group ("CVC", Luxembourg) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Mivisa Envaces S.A. ("Mivisa", Spain) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for CVC: investment and management services to investment funds;
 - for Mivisa: metal food cans and lids.
2. 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

¹ OJ L 24, 29.1.2004 p. 1.

5, subparagraph c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².

3. 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)

Neelie Kroes

Member of the Commission

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