

***Case No COMP/M.3801 -
CVC / GILDE /
BEKAERT FENCING***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 31/05/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31/05/2005

SG-Greffe(2005) D/202399/400

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

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

**Subject: Case No. COMP/M.3801 – CVC/ Gilde/ Bekaert Fencing
Notification of 25/04/2005 pursuant to Article 4 of Council Regulation (EC) No.
139/2004¹
Publication in the Official Journal of the European Union No. C 111, 11 May
2005, p. 15.**

1. On 25/04/2005, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings CVC Capital Partners Sarl (“CVC”, Luxembourg) and Gilde Buy-Out Fund II, (“Gilde”, Netherlands) belonging to the Rabobank Group (“Rabobank”, Netherlands), acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the whole of the undertaking Bekaert Fencing NV (“Bekaert”, Belgium) which is currently solely controlled by Gilde, by way purchase of shares.
2. The business activities of the undertakings concerned are :
 - for CVC : investment and management advice to investment funds.
 - for Gilde : specialised investment fund

¹ OJ L 24, 29.1.2004 p. 1

- for Rabobank : banking and credit institution, financial services
 - for Bekaert: manufacture and sale of steel wire-based fencing systems, wire-based industrial mesh, cable and wire.
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 b of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004².
 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
Neelie KROES
Member of the Commission

² OJ C 56, 05.3.2005 p.32