

EN

***Case No COMP/M.3915 -  
APAX/VERSATEL***

Only the English text is available and authentic.

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

---

Article 6(1)(b) NON-OPPOSITION  
Date: 06/09/2005

***In electronic form on the EUR-Lex website under document  
number 32005M3915***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06.09.2005

SG-Greffe(2004) D/204908

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.3915 – Apax/ Versatel**

Notification of 05.08.2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004<sup>1</sup>

Publication in the Official Journal of the European Union No. C 197 of 12.08.2005, page 9.

1. On 05.08.2005, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertaking Apax Europe VI (Apax, Guernsey), belonging to the Hirzell Trust, acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole Versatel Deutschland Holding GmbH (Versatel, Germany), by way of purchase of shares.

The business activities of the undertakings concerned are:

For Apax: Private equity investment;

For Versatel: network operator in Germany providing the following services: fixed line telephony, Internet access, leased lines and carrier-to-carrier services.

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

---

<sup>1</sup> 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 139/2004<sup>2</sup>.

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

---

<sup>2</sup> Official Journal C 56, 05.03.2005, pages 32-35