

***Case No COMP/M.3945 -
LBO / TERREAL***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 28/09/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28-09-2005

SG-Greffe(2005) D/205248

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.3945 - LBO/ Terreal
Notification of 24/08/2005 pursuant to Article 4 of Council Regulation (EC) No.
139/2004¹
Publication in the Official Journal of the European Union No. C 212 of
31.08.2005, page 10.**

1. On 28/08/2005, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which by which the undertaking Terreal Holding SAS ("TS", France) controlled by LBO France Gestion ("LBO", France) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertakings Clay Tiles Europe SA ("CTE", France) and Ludowici Roof Tile INC ("Ludowici", USA), which own the Terreal group of companies, by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for undertaking TS: Company created for the purpose of the concentration;
 - for undertaking LBO: private equity firm;
 - for undertaking CTE: active in the production of clay roof tiles, clay structural bricks and clay facing bricks;
 - for undertaking Ludowici : active in the production of clay roof tiles, clay structural bricks and clay facing bricks.

¹ OJ L 24, 29.1.2004 p. 1

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 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 OJ C 56, 05.3.2005 p.32