

***Case No COMP/M.3997 -
SUN CAPITAL / SARA
LEE***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 05/12/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05.12.2005

SG-Greffe(2005) D/206602

In the published version of this decision, some information has been omitted pursuant to Article 17(2) of Council Regulation (EC) No 139/2004 concerning non-disclosure of business secrets and other confidential information. The omissions are shown thus [...]. Where possible the information omitted has been replaced by ranges of figures or a general description.

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party

Dear Sir,

Subject: Case No. COMP/M.3997- SUN CAPITAL / SARA LEE

Notification of 26.10.2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Communities No. C 277, 10.11.2005,
page 11.

1. On 26.10.2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking [...] Sun Group ("Sun", USA), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the European Branded Apparel division ("The Business") of Sara Lee Corporation (USA), by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Sun : group of private equity investment funds;
 - for The Business: design, manufacture, distribution and sale in Europe of branded apparel products, such as women's intimates, men's underwear, hosiery and socks.

¹ OJ L 24, 29.1.2004 p. 1.

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.