

***Case No COMP/M.4112 -  
CERBERUS /  
GOLDMAN SACHS /  
WITTUR***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 28/02/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28/02/2006

SG-Greffe(2006) D/200889

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.4112 - CERBERUS / GOLDMAN SACHS / WITTUR  
Notification of 24.01.2006 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 26 of  
02.02.2006, page 8**

1. On 24.01.2006, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings Pelton S.à. r.l. (Luxembourg) belonging to the Cerberus Group (“Cerberus”, USA) and Goldman Sachs Group Inc. (“Goldman Sachs”, USA), through its subsidiary ELQ Investors Ltd. (UK), acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Wittur AG (“Wittur”, Germany) by way of purchase of shares.

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<sup>1</sup> OJ L 24, 29.1.2004 p. 1

2. The business activities of the undertakings concerned are:
  - for Cerberus: investments in personal property;
  - for Goldman Sachs: investment banking and securities firm;
  - for Wittur: manufacturing of elevator components.
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. 139/2004<sup>2</sup>.
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

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<sup>2</sup> OJ C 56, 05.3.2005 p.32