

***Case No COMP/M.4132 -
LEHMAN BROTHERS /
HEINZ EUROPEAN
SEAFOOD***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 08/03/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 08.03.2006

SG-Greffe(2006) D/200999

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

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

Subject: Case No. COMP/M.4132 – LEHMAN BROTHERS/ HEINZ EUROPEAN SEAFOOD

Notification of 01.02.2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹

Publication in the Official Journal of the European Union No. C 33, 09.02.2006. page 4.

1. On 01.02.2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Lehman Brothers Merchant Banking Partners III L.P. (“Lehman Brothers”, USA) belonging to the Lehman Brothers Group acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the European seafood business of HJ Heinz Company (“Heinz”, USA) by way of purchase of shares and assets.

¹ OJ L 24, 29.1.2004 p. 1

2. The business activities of the undertakings concerned are:
 - for Lehman Brothers: investment fund;
 - for Heinz: fishing, processing and distributing of seafood products.
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(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