

***Case No COMP/M.4140 -  
TCCC / CCHBC / FRESH***

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: 09/03/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 09/03/2006

SG-Greffe(2006) D/201059

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

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

**Subject: Case No COMP/M.4140 – The Coca-Cola Company/Coca-Cola Hellenic Bottling Company S.A./Limited Liability Company Fresh and CO. Fabrika za peradu voća d.o.o. Notification of 06/02/2006 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 38, 06/02/2006, page 4.**

1. On 06.02.2006, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings The Coca-Cola Company (“TCCC”, USA) and Coca-Cola Hellenic Bottling Company S.A. (“CCHBC”, Greece) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Limited Liability Company Fresh & Co. Fabrika Za Peradu Voća d.o.o. (“Fresh & Co.” Serbia) by 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 TCCC : brand owner and supplier of soft drink concentrates;
  - for CCHBC : licensed bottler that produces and sells TCCC-branded beverages;
  - for Fresh & Co.: producing and selling of fruit juices in Serbia and Montenegro.
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(a) 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