

***Case No COMP/M.4183 -  
FOODCO PASTRIES /  
TELE PIZZA***

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: 21/04/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21/04/2006

SG-Greffe(2006) D/202144

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.4183 - Foodco Pastries/Tele Pizza  
Notification of 17.03.2006 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 76 of  
29/03/2006, p. 3**

1. On 17.03.2006, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings Permira Holdings Limited (“Permira”, United Kingdom) and Carbal S.A. (“Carbal”, Spain) through Foodco Pastries acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Tele Pizza S.A. (“Tele Pizza”, Spain) by way of public bid announced on 28 February 2006. The business activities of the undertakings concerned are :

- for Permira : equity investment fund ;
- for Carbal : acquisition of stake and participations in different companies ;

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

- for Tele Pizza : network of branded fast food restaurants operated directly through proprietary stores or through third party's franchised stores.
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, (b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004<sup>2</sup>.
  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

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