

***Case No COMP/M.4228 -
MIBAU HOLDING /
FOSTER YEOMAN
BAUMINERALIEN /
FIGDOR
BAUSTOFFHANDEL JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 17/08/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17-VIII-2006
SG (2006) D/204645

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

Dear Sirs,

Subject: COMP/M.4228 - Mibau Holding GmbH/Foster Yeoman Baumineralien GmbH/Figdor Baustoffhandel GmbH (JV)
Notification of 14.07.2006 pursuant to Article 4 of Council Regulation (EEC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 173, 26/07/2006, p12.

1. On 14/07/06, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Mibau Holding GmbH (“Mibau“, Germany), controlled by Heidelberg Cement Group and Mr. Hans-Jürgen Hartmann, and Foster Yeoman Baumineralien GmbH (“Foster Yeoman“, Germany), belonging to Foster Yeoman Group, acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Figdor Baustoffhandel GmbH (“Figdor“, Germany) by way of purchase of shares.

¹ OJ L 24, 29.1.2004 p. 1

2. The business activities of the undertakings concerned are:
 - for Mibau: production and distribution of construction materials, namely aggregates for the concrete and asphalt production, gravel, sand, flint and construction stones;
 - for Foster Yeoman: distribution of aggregates for the concrete and asphalt production, asphalt and concrete products;
 - for Figdor: treatment, storage and distribution of mineral building materials in the region of Wilhelmshaven, Germany.
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 139/2004 and of paragraph 5, subparagraph a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) 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 (EEC) No. 139/2004.

For the Commission,
Philip Lowe
Director General

² OJ C 56, 05.3.2005 p.32