

***Case No COMP/M.4565 -
CERBERUS / BAWAG***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION

Date: 28/02/2007

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28/02/2007
SG-Greffe(2007) D/200973

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.4565 - Cerberus / BAWAG
Notification of 29.01.2007 pursuant to Article 4 of Council Regulation (EC) No. 139/2004
Publication in the Official Journal of the European Communities No. C 27/11, 07.02.2007, page 27.

1. On 29.01.2007, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Cerberus Group ("Cerberus", USA) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of BAWAG P.S.K. Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse Aktiengesellschaft ("BAWAG", Austria) by way of purchase of shares.

The business activities of the undertakings concerned are:

For Cerberus: private equity fund;

For BAWAG P.S.K.: banking, leasing and insurance.

¹ OJ L 24, 29.1.2004 p. 1.

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, subparagraph c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.
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
Philip LOWE
Director General

² OJ C 56, 05.3.2005 p.32.