

*Case No COMP/M.4745 -
CERBERUS /
PROMONTORIA /
FOCUS*

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 24/07/2007

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24/07/2007

SG-Greffe(2007) D/204674

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.4745 –Cerberus / Promontoria / Focus
Notification of 19.06.2007 pursuant to Article 4 of Council Regulation (EC) No.
139/2004¹
Publication in the Official Journal of the European Union No. C 141 of 27 June
2007, Page 17**

1. On 19.06.2007 the Commission received a notification of a proposed concentration by which the undertaking Promontoria Holding IV B.V. ("Promontoria", The Netherlands) controlled by Cerberus Group ("Cerberus", United States) acquires control of the whole of FW No.4 Limited ("FW4", United Kingdom) and thereby the operating companies of the Focus DIY Group ("Focus", United Kingdom) by way of purchase of shares and acquisition of debt.
2. The business activities of the undertakings concerned are:
 - for Cerberus: private equity investment;
 - for Promontoria: an operating entity controlled by Cerberus;
 - for Focus (and FW4): DIY and gardening retailer with business activities limited to the UK.

¹ OJ L 24, 29.1.2004 p. 1

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, subparagraph 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
Philip LOWE
Director General

² OJ C 56, 05.3.2005 p.32