

***Case No COMP/M.5139 -
EMPIK / HDS / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 28/07/2008

***In electronic form on the EUR-Lex website under document
number 32008M5139***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28-VII-2008
SG-Greffe(2008) D/204872
C(2008) 4130

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.5139 - EMPIK / HDS / JV
Notification of 27/06/2008 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 169, date 04/07/2008, page 15

1. On 27 June 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings EMPIK Spółka z ograniczoną odpowiedzialnością ("Empik", Poland) belonging to the Eastbridge S.A.R.L. group ("Eastbridge", Luxemburg) and HDS Polska Spółka z ograniczoną odpowiedzialnością ("HDS", Poland), belonging to the Lagardère Services SA group ("Lagardère", France) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Empik Cafe Spolka ("Empik Cafe", Poland), by way of purchase of shares in a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are :
 - for Lagardère : travel retail, high street retail and press distribution, media;

¹ OJ L 24, 29.1.2004 p. 1

- HDS: press wholesaling, retail of press, books and other media, coffee bars in Poland;
 - for Empik : education, fashion, children's products, perfumeries, media distribution and coffee bars (in Poland);
 - Empik Cafe : coffee bars in Poland.
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 a, 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

² OJ C 56, 05.3.2005 p.32