

***Case No COMP/M.5159 -
APAX PARTNERS / D+S
EUROPE***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 25/06/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25/06/2008

SG-Greffe(2008) D/204098

C(2008)3263

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

For information – Legal representative:

Dear Madam(s) and/or Sir(s),

**Subject: Case No. COMP/M.5159 - APAX PARTNERS/ D+S EUROPE
Notification of 22/05/2008 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 131, dated 29/05/2008, page 16**

1. On 22/05/2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertaking Apax Partners Worldwide LLP ("Apax", UK), through Apax Europe VII Fund, acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking D + S europe AG ("D + S", Germany), by way of a public takeover bid and a series of further share acquisitions.
2. The business activities of the undertakings concerned are:
 - for Apax : private equity fund;

¹ OJ L 24, 29.1.2004 p. 1

- for D + S: e-commerce and telecommunications services, integrated customer value added management.
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 (c), 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