

***Case No COMP/M.5178 -
OEP / PFLEIDERER***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 17/10/2008

***In electronic form on the EUR-Lex website under document
number 32008M5178***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.10.2008
SG-Greffe(2008) D/206343
C(2008) 6157

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.5178 – OEP/ PFLEIDERER
Notification of 17.09.2008 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 245,
26.09.2008, p. 27

1. On 17 September 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking OEP Holding Corporation ("OEP", USA) - an indirect subsidiary of J.P Morgan Chase & Co. (USA) - acquires within the meaning of Article 3(1)(b) of the Council Regulation sole control of the undertaking Pfleiderer AG ("Pfleiderer", Germany) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for OEP: private equity fund;
 - for Pfleiderer: manufacturing, distribution and marketing of engineered wood, surface finished products and laminate flooring.
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

¹ OJ L 24, 29.1.2004, p. 1.

5 (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.