

***Case No COMP/M.5184 -  
ARCAPITA /  
FREIGHTLINER***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 18/07/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18/07/2008

SG-Greffe(2008) D/204724

C(2008)3934

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.5184 - ARCAPITA/ FREIGHTLINER**  
**Notification of 18/06/2008 pursuant to Article 4 of Council Regulation (EC) No. 139/2004<sup>1</sup>**  
**Publication in the Official Journal of the European Union No. C 166, dated 01/07/2008, page 19.**

1. On 18.06.2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004, by which Arcapita Bank B.S.C. ("Arcapita", Bahrain) acquires within the meaning of Article 3(1) (b) of the Council Regulation, sole control of Freightliner Group Limited ("Freightliner", UK) by way of purchase of shares.

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<sup>1</sup> OJ L 24, 29.1.2004 p. 1

2. The business activities of the undertakings concerned are:
  - for Arcapita: asset-based investment (infrastructure and energy), corporate investment, real estate investment and venture capital in more than 20 countries.
  - for Freightliner: rail freight haulage in the UK, Poland and Germany.
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. 139/2004<sup>2</sup>.
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

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<sup>2</sup> OJ C 56, 05.3.2005 p.32