

***Case No COMP/M.5704 -  
JBS/ BERTIN***

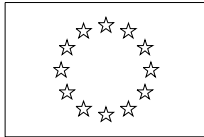
Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 09/12/2009

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EUROPEAN COMMISSION

Brussels, 9.12.2009  
SG-Greffe(2009) D/11039/11040  
C(2009)10090

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying parties:**

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

**Subject: Case No COMP/M.5704 – JBS/ BERTIN**  
**Notification of 06/11/2009 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 279,**  
**19/11/2009, p. 29**

1. On 06 November 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings J&F Participações S.A. ('J&F', Brazil) and ZMF Fundo de Investimento em Participações ('ZMF', Brazil) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of parts of the undertakings JBS S.A. ('JBS', Brazil) and Bertin S.A. ('Bertin', Brazil) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - for J&F: family owned holding company
  - for ZMF: investment fund
  - JBS: manufacture of fresh and processed meat

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

- Bertin: manufacture of fresh and processed meat

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(c) 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.