

***Case No COMP/M.5836 -
BILFINGER BERGER/
HERTEL GROUP/ FRIDAY
EUROTECH***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 23/07/2010

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EUROPEAN COMMISSION

Brussels, 23.07.2010
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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.5836 – BILFINGER BERGER/ HERTEL GROUP/
FRIDAY EUROTECH
Notification of 18/06/2010 pursuant to Article 4 of Council Regulation (EC) No
139/2004¹
Publication in the Official Journal of the European Union No C171, 30/06/2010,
p. 16.**

1. On 18/06/2010, the European Commission received a notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings BIS Industrial Services Nederland B.V. ('BIS'), belonging to Bilfinger Berger AG ('Bilfinger Berger', Germany), and Hertel Beheer BV ('Hertel'), belonging to Hertel Holding B.V. ('Hertel Holding', The Netherlands), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of FridayEuroTech Holding B.V. ('FET', The Netherlands), by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Bilfinger Berger: civil engineering, construction, industrial projects, industrial services,
 - for Hertel: civil engineering, construction, defence services, industrial services,

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

- for FET: temporary employment services.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(a) and 5(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 European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the European Commission,
(signed)
Alexander ITALIANER
Director General

² OJ C 56, 5.3.2005, p. 32.