Prior notification of a concentration
(Case COMP/M.5533 — Bertelsmann/KKR/JV)
(Text with EEA relevance)
(2009/C 188/11)

1. On 4 August 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 (1) by which the undertaking Bertelsmann AG (‘Bertelsmann’, Germany) and Kohlberg Kravis Roberts & Co LP (‘KKR’, United States) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Newco by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

- for Bertelsmann: international media company active in TV, book and magazine publishing, media services and book and media clubs,
- for KKR: private equity investment,
- for Newco: management and exploitation of recorded music rights and music publishing rights transferred from Bertelsmann (BMG Rights Management business) and to be acquired from Crosstown Songs America LLC.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301 or 22967244) or by post, under reference number COMP/M.5533 — Bertelsmann/KKR/JV, to the following address:

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