

**Prior notification of a concentration****(Case COMP/M.5508 — SOFFIN/HYPO REAL ESTATE)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2009/C 91/07)

1. On 14 April 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the Financial Market Stabilization Fund (commonly known as 'Sonderfonds Finanzmarktstabilisierung' or 'SoFFin', Germany), controlled by the Federal Republic of Germany, acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Hypo Real Estate ('HRE', Germany) by way of public bid announced on 9 April 2009.

2. The business activities of the undertakings concerned are:

— for SoFFin: Stabilization of the financial system in Germany,

— for HRE: commercial mortgaging, financing of public infrastructure, refinancing by issuing 'Pfandbriefe'.

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. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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 ((32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.5508 — SOFFIN/HYPO REAL ESTATE, to the following address:

European Commission  
Directorate-General for Competition  
Merger Registry  
J-70  
B-1049 Bruxelles/Brussels

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

<sup>(2)</sup> OJ C 56, 5.3.2005, p. 32.