

***Case No COMP/M.2246 -
SOFINIM / KBC INVEST
/
MERCATOR&NOORDS
TAR / VIV /
TOURNESOLEON / DE
CLERCK / FOC***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 11/01/2001

*Also available in the CELEX database
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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.01.2001

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. 2246 - Sofinim/KBC Invest/Mercator & Noordstar/VIV/
Tournesoleon/De Clerck/NIB/FOC**

Notification of 30.11.2000 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89¹

Publication in the Official Journal of the European Communities No. C354, 09.12.2000, page 36.

1. On 30.11.2000, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 by which the undertakings Sofinim NV ("Sofinim"), (of Ackermans & Van Haaren NV), KBC Bank NV, KBC Verzekeringen NV, Fidea NV and Ceneca Invest NV ("KBC Invest"), (of Almanij NV), Mercator & Noordstar NV ("M&N"), (of la Baloise), Vlaamse Investeringsvennootschap NV ("VIV"), (of Fortis Belgium NV), Tournesoleon NV, ("Tournesoleon") and Mr. J. De Clerck ("De Clerck"), all based in Belgium, and NIB Capital Bank NV ("NIB"), based in Netherlands, (of ABP and PGGM pension funds Groups), acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of Fina Oleochemicals NV ("FOC"),(Belgium) by way of purchase of shares.

¹ OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

The business activities of the undertakings concerned are :

for undertaking Sofinim : private equity investments company,

for undertaking KBC Invest : private equity investments activities,

for undertaking M&N : insurance company,

for undertaking VIV : investment company,

for undertaking Tournesoleon : holding company,

for undertaking De Clerck : fibres and yarns, chemicals and polymers, floorcoverings products,

for undertaking NIB : financial services,

for undertaking FOC : oleochemicals products.

2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4, subparagraph b, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89².
3. To the extent that restrictions specified by the parties are directly related and necessary to the implementation of the concentration, these restrictions are covered pursuant to Article 6(1)(b), second subparagraph, of Council Regulation (EEC) No. 4064/89.
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 (EEC) No. 4064/89.

² OJ C 217, 29.07.2000, p. 32.