

***Case No COMP/M.2445 -  
NIB CAPITAL /  
INTERNATIO-MULLER  
CHEMICAL  
DISTRIBUTION***

Only the English text is available and authentic.

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

---

Article 6(1)(b) NON-OPPOSITION  
Date: 21/05/2001

*Also available in the CELEX database  
Document No 301M2445*



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21/05/2001  
SG (2001) D/288677

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party

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

**Subject: Case No. COMP/M.2445 – NIB CAPITAL / INTERNATIO-MÜLLER  
CHEMICAL DISTRIBUTION  
Notification of 19/04/2001 pursuant to Article 4 of Council Regulation (EEC)  
No. 4064/89<sup>1</sup>  
Publication in the Official Journal of the European Communities No. C 128, 28  
April 2001, page 4.**

1. On 19/04/2001, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89<sup>2</sup> by which the undertaking NIB Capital Private Equity NV (“NIBC PE NV”) (NL), belonging to NIB Capital NV (“NIBC”), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the Internatio-Müller Chemical Division (“IMCD”) (NL) by way of purchase of shares and assets.
2. The business activities of the undertakings concerned are:  
  
NIBC: capital company, specialising in banking, asset management and private equity

---

<sup>1</sup> 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.

<sup>2</sup> OJ L 395, 30.12.1989 p. 1; corrigendum OJ L 257 of 21.9.1990, p. 13; Regulation as last amended by Regulation (EC) No 1310/97 (OJ L 180, 9. 7. 1997, p. 1, corrigendum OJ L 40, 13.2.1998, p. 17).

NIBC PE NV: subsidiary of NIBC with private equity activities

IMCD: a division of Internatio-Müller NV. with activities in distribution of chemicals

3. 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 c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89<sup>3</sup>.
4. 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.
5. 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.

For the Commission

Mario MONTI  
Member of the Commission  
*(signed)*

---

<sup>3</sup> OJ C 217, 29.07.2000, p. 32.