

***Case No COMP/M.3331 -
KKR / MTU***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 22/12/2003

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

Brussels, 16.12.2003

SG (2003) D/233530

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

Dear Madam and Sir,

**Subject: Case No. COMP/M.3331 - KKR/MTU
Notification of 24.11.2003 pursuant to Article 4 of Council Regulation (EEC)
No. 4064/89¹, as last amended by Regulation (EC) No 1310/97²
Publication in the Official Journal of the European Union No. C 288,
29.11.2003, page 5**

1. On 24.11.2003, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertaking Kohlberg Kravis Roberts & Co., L.P. ("KKR", USA) acquires within the meaning of Article 3(1)(b) of the Council Regulation, by way of purchase of shares, control of MTU Aero Engines GmbH ("MTU", Germany).

The business activities of the undertakings concerned are:

- for undertaking KKR: investment company;
- for undertaking MTU: aero engines, maintenance of aero engines and industrial gas turbines.

¹ OJ L 395, 30.12.1989 p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

² OJ L 180, 9. 7. 1997, p. 1; corrigendum OJ L 40, 13.2.1998, p. 17.

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 4064/89³.
3. 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, signed
Member of the Commission

³ OJ C 217, 29.07.2000, p. 32.