

***Case No COMP/M.3638 -
KKR / DSD***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 07/01/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07-I-2005

SG-Greffe(2005) D/200140

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. 3638 – KKR/DSD
Notification of 1 December 2004 pursuant to Article 4 of Council Regulation
(EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 304,
08/12/2004, page 10**

1. On 1 December 2004, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertaking Deutsche Umwelt Investment AG (“DUI”, Germany), belonging to Kohlberg Kravis Roberts & Co. L.P. (“KKR”, USA), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Der Grüne Punkt – Duales System Deutschland AG (“DSD”, Germany) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for DUI: Holding company,

¹ OJ L 24, 29.1.2004 p. 1

- for KKR: Private equity investments,
 - for DSD: Organisation of a system to collect and recover packaging waste.
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5, subparagraphs b of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No139/2004².
 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 (EC) No. 139/2004.

For the Commission

Neelie KROES
Member of the Commission
signed

² Available on DG COMP website:
http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified_tru.pdf.