

***Case No COMP/M.3826 -
TRIMOTEUR /
NIBCAPITAL / FORTIS /
SANDD***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 21/06/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.06.2005

SG-Greffe(2005) D/202729/202730/202731

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties:

Dear Sirs,

**Subject: Case No. COMP/M.3826 - Trimoteur / NibCapital / Fortis / Sandd
Notification of 17/05/2005 pursuant to Article 4 of Council Regulation (EC) No.
139/2004¹. Publication in the Official Journal of the European Union No. C
136, 03/06/2005, Page 35**

1. On 17/05/2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Fortis Private Equity Holding Nederland B.V., controlled by Fortis Bank Nederland (Holding) B.V. ("Fortis", The Netherlands) and NIBCapital Principal Investments B.V., controlled by NIBCapital Bank N.V. ("NIBCapital", The Netherlands) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Sandd B.V. ("Sandd", The Netherlands) along with Trimoteur Distribution Services B.V. ("Trimoteur", The Netherlands) by way of purchase of shares. Currently Sandd is solely controlled by Trimoteur.
2. The business activities of the undertakings concerned are:
 - for undertaking Fortis: private equity investment
 - for undertaking NIBCapital: private equity investment

¹ OJ L 24, 29.1.2004 p. 1

- for undertaking Trimoteur: investment, restructuring and management of enterprises
 - for undertaking Sandd: postal (mail) delivery
2. 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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004².
 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 (EC) No. 139/2004.

For the Commission
signed
Charlie MCCREEVY
Member of the Commission

² OJ C 56, 05.3.2005 p.32