

***Case No COMP/M.3951 -
NOMURA / KAMPS
FOOD RETAIL
INVESTMENTS /
NORDSEE***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 28/09/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.09.2005

SG-Greffe(2005) D/205253/4/5

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.3951 - NOMURA/KAMPS FOOD RETAIL INVESTMENTS/NORDSEE
Notification of 29/08/2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 218, 6/9/2005, page 3

1. On 29/08/2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which Nomura International plc ("Nomura", UK) belonging to the Nomura Group (Japan), Mr Heiner Kamps ("Mr. Kamps") and TML-Invest S.à.r.l. ("TML", Switzerland) belonging to the Müller Group (Germany), acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of Nordsee GmbH ("Nordsee", Germany) by way of purchase of shares. Mr. Kamps and TML will acquire control over Nordsee through the vehicle company Kamps Food Retail Investments S.A. (Luxembourg).
2. The business activities of the undertakings concerned are:
 - for Nomura: international investment banking.
 - for Mr. Kamps: private investor with controlling interests in a consulting and investment company and an airplane company.

¹ OJ L 24, 29.1.2004 p. 1

- for TML: holding company of the Müller Group, group mainly active in the fresh dairy products and fruit preparations sector.
 - for Nordsee: operation of quick service restaurants, seafood retail outlets and seafood wholesale business.
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, subparagraph (c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004².
 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
(signed)
Neelie KROES
Member of the Commission

² OJ C 56, 05.3.2005 p.32