

***Case No COMP/M.4333 -
NIBC / NPM / DELI
UNIVERSAL***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 30/08/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30/08/2006

SG-Greffe (2006) D/204895

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

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

**Subject: Case No. COMP/M.4333 - NIBC / NPM / Deli Universal
Notification of 31/07/2006 pursuant to Article 4 of Council Regulation (EC) No.
139/2004¹
Publication in the Official Journal of the European Union No. C186, 9/08/2006,
page 4.**

1. On 31.07.2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking NIBC Principal Investments Equity B.V. ("NIBC", The Netherlands) controlled by J.C. Flowers ("JCF") and the undertaking NPM Capital N.V. ("NPM", The Netherlands) controlled by SHV Holdings N.V. ("SHV") acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the whole of N.V. Deli Universal (The Netherlands), Deli Mij Holdings Limited (United Kingdom), Red River Commodities, Inc (US) and Imperial Commodities Corporation (US) (together "The Target") by way of purchase of shares.
2. The business activities of the undertakings concerned are:

¹ OJ L 24, 29.1.2004 p. 1

- for NIBC: independent private bank, corporate finance, risk management and structured investment solutions;
 - for SHV: trade in food and non-food consumer articles, provision of private equity, trade and production of raw materials and exploration and production of oil and gas;
 - for the Target: supply of timber and building materials to the construction industry, supply of constructive and decorative materials and garden centres, supply of speciality agri-products.
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(b) 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)
Philip LOWE
Director General

² OJ C 56, 05.3.2005 p.32