

***Case No COMP/M.5562 -  
FORTIS PRIVATE  
EQUITY / KUIKEN***

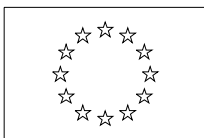
Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 27/07/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27/07/2009  
SG-Greffe(2009) D/5963  
C(2009) 6091

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying party**

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

**Subject: Case No COMP/M.5562 – Fortis Private Equity / Kuiken  
Notification of 22.06.2009 pursuant to Article 4 of Council Regulation (EC) No  
139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No C 147, 27<sup>th</sup> of  
June 2009, p.28**

1. On **22.06.2009**, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Fortis Private Equity Holding Nederland B.V. ("Fortis Private Equity", The Netherlands) controlled by Fortis Bank Nederland N.V. ("Fortis Bank Nederland", The Netherlands) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Kuiken N.V. ("Kuiken", The Netherlands) by way of purchase of shares. Following a bank rescue operation in Belgium and in the Netherlands, Fortis Bank Nederland is currently an entity held by the Dutch State.

The business activities of the undertakings concerned are:

- for Fortis Bank Nederland: a banking group active in retail banking, merchant banking and private banking;

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1.

- for Fortis Private Equity: a subsidiary of Fortis Bank Nederland active in private equity investments in medium-sized companies in The Netherlands;
  - for Kuiken: a holding group of companies active in distribution of heavy equipment used in construction, material handling and agriculture.
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(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
  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)*

Philip LOWE

Director General

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<sup>2</sup> OJ C 56, 05.3.2005, p. 32.