



EUROPEAN COMMISSION
DG Competition

***Case M.10955 - KIRK / LFI / ATP / FERROSAN
MEDICAL DEVICES***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 05/12/2022

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EUROPEAN COMMISSION

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PUBLIC VERSION

Kirk Kapital Strategic Investments A/S
Havneøen 1
DK-7100 Vejle
Denmark

Lundbeckfond Invest A/S
Scherfigsvej 7
DK-2100 Copenhagen
Denmark

Arbejdsmarkedets Tillægspension
Kongens Vænge 8
DK-3400 Hillerød
Denmark

**Subject: Case M.10955 – KIRK / LFI / ATP / FERROSAN MEDICAL DEVICES
Commission decision pursuant to Article 6(1)(b) of Council Regulation
(EC) No 139/2004¹ and Article 57 of the Agreement on the European
Economic Area²**

Dear Sir or Madam,

1. On 11 November 2022, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Kirk Kapital Strategic Investments A/S (Denmark), ultimately controlled by controlled by Kirk Kapital A/S (“Kirk”, Denmark), Lundbeckfond Invest A/S (Denmark), ultimately controlled by Lundbeckfonden (Denmark) and Arbejdsmarkedets Tillægspension (“ATP”, Denmark), will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of Ferrosan Medical Devices Group A/S (“Ferrosan”, Denmark) by way of purchase of shares.³

¹ OJ L 24, 29.1.2004, p. 1 (the ‘Merger Regulation’). With effect from 1 December 2009, the Treaty on the Functioning of the European Union (‘TFEU’) has introduced certain changes, such as the replacement of ‘Community’ by ‘Union’ and ‘common market’ by ‘internal market’. The terminology of the TFEU will be used throughout this decision.

² OJ L 1, 3.1.1994, p. 3 (the ‘EEA Agreement’).

³ Publication in the Official Journal of the European Union No C 440, 21.11.2022, p. 28.

2. The business activities of the undertakings concerned are the following:
 - Kirk invests in Scandinavian medium-sized and larger-sized companies in long-term growth industries (such as the services and light manufacturing industries). Kirk also carries out financial investments, including in fixed incomes, listed equities and alternatives,
 - Lundbeckfonden is a Danish commercial foundation that funds biomedical sciences research, focusing particularly on neuroscience,
 - ATP is a self-governing institution established by law to manage the mandatory Danish collective pension scheme, ATP Livslang Pension (Lifelong Pension),
 - Ferrosan produces biomaterial haemostatic medical devices such as gelatin-based matrices, sponges and powders to control critical bleedings in surgery, as well as a breast biopsy system for performance of biopsies in relation to diagnosing breast cancer. Ferrosan markets its products worldwide.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation and Article 57 of the EEA Agreement.

For the Commission

(Signed)
Olivier GUERSENT
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.