

***Case No COMP/M.4169 -
VIRGIN / CPW / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 29/03/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.03.2006

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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.4169 – Virgin/CPW/JV. Notification of 24.02.2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹ Publication in the Official Journal of the European Union No. C 55 of 07.03.2006 page 52

1. On 24.02.2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004, by which the undertakings Bluebottle UK Limited, belonging to the Virgin Group (“Virgin“, UK) and The Carphone Warehouse Limited (“CPW“, UK) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of a newly created company constituting a joint venture, Omer Telecom Limited (“JV Co“, UK) by way of contribution of assets and transfer of shares.

The business activities of the undertakings concerned are:

- for Virgin : provides mobile telephony services as an mobile virtual network operator (MVNO) in UK and several countries outside Europe and is globally active in operating airline services (Virgin Atlantic), music retail stores (Virgin Megastores), bridal wear stores (Virgin Brides) etc.;

¹ OJ L 24, 29.1.2004 p. 1

- for CPW : provision and sale of mobile telecommunications services and products in Europe, the provision of fixed line telecommunication services in France;
 - for JV Co : provision of mobile telephony services as an MVNO in France;
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, subparagraphs a) and b) 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)
Neelie KROES
Member of the Commission

² OJ C 56, 05.3.2005 p.32