



OPINION

of the **ADVISORY COMMITTEE on MERGERS**

given at its meeting of **14 May 2009**

regarding a draft decision relating to

Case COMP/M.4994 – ELECTRABEL/Compagnie Nationale du Rhône

Rapporteur : LATVIA

1. The Advisory Committee agrees with the Commission that Electrabel has negligently put into effect a concentration in breach of Article 7(1) of the Old Merger Regulation (Council Regulation (EEC) 4064/89).
2. The Advisory Committee agrees with the Commission that the infringement of Article 7(1) of the Merger Regulation constitutes a case of qualified negligence that cannot be ignored.
3. The Advisory Committee agrees with the Commission that Electrabel must be fined in accordance to Article 14 of the Merger Regulation.

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A. FRENNET				K. WACKER

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	A. ELLIS			M. BAUDRY

<u>ITALIA</u>	<u>KYPROS/KIBRIS</u>	<u>LATVIJA</u>	<u>LIETUVA</u>	<u>LUXEMBOURG</u>

F.AMMASSARI		I. BIRZINS		

<u>MAGYARORSZÁG</u>	<u>MALTA</u>	<u>NEDERLAND</u>	<u>ÖSTERREICH</u>	<u>POLSKA</u>

<u>PORTUGAL</u>	<u>ROMANIA</u>	<u>SLOVENIJA</u>	<u>SLOVENSKO</u>	<u>SUOMI-FINLAND</u>
S.MOURA				H. KAIPONEN

<u>SVERIGE</u>	<u>UNITED KINGDOM</u>