



OPINION

of the ADVISORY COMMITTEE ON MERGERS

given at its meeting of 4 July 2016

regarding a draft decision relating to

Case COMP/M.7724 ASL / ARIANESPACE

Rapporteur : LITHUANIA

Operation

1. The Advisory Committee agrees with the Commission that the Transaction constitutes a concentration within the meaning of Article 3(1)(b) of the Merger Regulation.

Union Dimension

2. The Advisory Committee agrees with the Commission that the Transaction has a Union dimension pursuant to Article 1(2) of the Merger Regulation.

Product and Geographic Market

3. The Advisory Committee agrees with the Commission's conclusions as to the following relevant product markets:
 - 3.1. Markets for launch services;
 - 3.2. Markets for satellites;
 - 3.3. Market for launchers exploited by Arianespace;
 - 3.4. Markets for (i) payload adapters and (ii) payload dispensers;
 - 3.5. Markets for space insurance services; and
 - 3.6. Markets for satellite operation.
4. The Advisory Committee agrees with the Commission's conclusions as to the following relevant geographic markets:
 - 4.1. Markets for launch services;
 - 4.2. Markets for satellites;
 - 4.3. Market for launchers exploited by Arianespace;
 - 4.4. Markets for (i) payload adapters and (ii) payload dispensers;
 - 4.5. Markets for space insurance services; and
 - 4.6. Markets for satellite operation.

Competitive Assessment

5. The Advisory Committee agrees with the Commission's assessment that the Transaction **would significantly impede effective competition** in the markets (i) for launch services and (i) for satellites as regards the flows of sensitive information from (i) Arianespace to Airbus in relation to other satellite manufacturers and (ii) Airbus to Arianespace in relation to other launch services providers.
6. The Advisory Committee agrees with the Commission that the final commitments offered by the notifying party on 20 May 2016 address the competition concerns identified by the Commission.
7. The Advisory Committee agrees with the Commission's assessment that the Transaction **would not significantly impede effective competition** further to the relationship between the Parties' activities in:
 - 7.1. the markets for launch services and the markets for satellites;
 - 7.2. the market for launchers exploited by Arianespace and the markets for launch services;
 - 7.3. the markets for launch services and the markets for payload dispensers and payload adapters;
 - 7.4. the markets for space insurance services and the markets for satellite operation and for satellites; and
 - 7.5. the markets for launch services and the markets for satellite operations.
8. The Advisory Committee agrees with the Commission that, subject to the full compliance with the final commitments offered by the notifying party on 20 May 2016, the Transaction is not likely to significantly impede effective competition in the internal market or in a substantial part of it.

Compatibility with Internal Market

9. The Advisory Committee agrees with the Commission that the Transaction should therefore be declared compatible with the internal market and the functioning of the EEA Agreement in accordance with Article 2(2) and 8(2) of the Merger Regulation and Article 57 of the EEA Agreement.
