



OPINION

**of the ADVISORY COMMITTEE on MERGERS
AT ITS MEETING OF 20 FEBRUARY 2019
CONCERNING A PRELIMINARY DRAFT DECISION RELATING TO
CASE 8436 — General Electric Company/LM Wind Power Holding
(ART.14(1) PROC.)**

Rapporteur: ROMANIA

1. The Advisory Committee (9 Member States) agrees with the Commission that GE negligently submitted incorrect information in the Form CO in case M.8283 – *GE/LM WIND* in violation of Article 14(1)(a) of the Merger Regulation¹ and Article 4(1) of the Implementing Regulation². One Member State abstains.
2. The Advisory Committee (10 Member States) agrees with the Commission that a fine should be imposed on GE pursuant to Article 14(1)(a) of the Merger Regulation.

¹ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the "Merger Regulation") (OJ L 24, 29.1.2004, p. 1).

² Commission Regulation (EC) No 802/2004 of 21 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (the "Implementing Regulation") (OJ L 133, 30.04.2004, p. 1-39), as amended by Commission Regulation (EC) No 1033/2008 (OJ L 279, 22.10.2008, p.3-12) and by Commission Implementing Regulation (EU) No 1269/2013 of 5 December 2013 (OJ L 336, 14.12.2013, p. 1-36).