



OPINION

of the ADVISORY COMMITTEE on MERGERS

given at its meeting of 14th November 2018

regarding a draft decision relating to

CASE M.8792 – T-Mobile NL / Tele2 NL

Rapporteur: Belgium

Concentration

1. The Advisory Committee (9 Member States) agree with the Commission that the notified transaction constitutes a concentration within the meaning of Article 3(1)(b) of the Council Regulation (EC) No 139/2004 of 20.1.2004 on the control of concentrations between undertakings (the "Merger Regulation")¹.
2. The Advisory Committee (9 Member States) agree with the Commission that the notified transaction has an EU dimension pursuant to Article 1(2) of the Merger Regulation.

Market definition

3. The Advisory Committee (9 Member States) agree with the conclusions reached by the Commission in the draft Decision in relation to the definition of the relevant product and geographic market for the retail supply of mobile telecommunications services in the Netherlands.

Competitive assessment

4. The Advisory Committee agrees with the Commission's assessment that the notified concentration would not significantly impede effective competition as a result of horizontal non-coordinated effects in the market for the retail supply of mobile telecommunications services in the Netherlands. 8 Member States voted in favour. 1 Member State voted against.
5. The Advisory Committee (9 Member States) agree with the Commission's assessment that the notified concentration would not significantly impede effective competition as a result of horizontal coordinated effects in the market for the retail supply of mobile telecommunications services in the Netherlands..

¹ OJ L 24, 29.1.2004, p. 1.

Compatibility with the internal market and the Agreement on the European Economic Area

6. The Advisory Committee agrees with the Commission that the notified concentration must therefore be declared compatible with the internal market and the Agreement on the European Economic Area² in accordance with Article 2(2) and 8(1) of the Merger Regulation and Article 57 of the Agreement on the European Economic Area. 8 Member States voted in favour. 1 Member State voted against.

² OJ L 1, 3.1.1994, p.3.