

***Case No COMP/M.2144 -  
TELEFONICA /  
SONERA / GERMAN  
UMTS JV***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89  
MERGER PROCEDURE**

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Article 6(1)(b) NON-OPPOSITION  
Date: 17/11/2000

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.11.2000

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

Dear Madam / Sir(s),

**Subject: Case No. COMP/M. 2144 – Telefónica /Sonera /German UMTS JV**

Notification of 18 October 2000 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89<sup>1</sup>

Publication in the Official Journal of the European Communities No. C 305, 25 October 2000, page 8.

1. On 18 October 2000 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89<sup>2</sup> by which the undertakings Telefónica Intercontinental S.A., controlled by the Spanish Telefónica S.A. (“Telefónica“), and Sonera 3G Holding BV, controlled by the Finnish Sonera Corporation (“Sonera“), acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the German full-function joint venture Marabu Vermögensverwaltung GmbH (“Marabu“) by way of purchase of securities.

The business activities of the undertakings concerned are :

- for Telefónica: fixed line and wireless voice and data communications, value-added and Internet access services, media and entertainment services

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<sup>1</sup> OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

<sup>2</sup> OJ L 395, 30.12.1989 p. 1; corrigendum OJ L 257 of 21.9.1990, p. 13; Regulation as last amended by Regulation (EC) No 1310/97 (OJ L 180, 9. 7. 1997, p. 1, corrigendum OJ L 40, 13.2.1998, p. 17).

- for Sonera: fixed line and wireless voice and data communication services, Internet and other service provisions
  - for Marabu: 3<sup>rd</sup> generation mobile telephony services in Germany.
2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4, subparagraph b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89<sup>3</sup>.
  3. To the extent that restrictions specified by the parties are directly related and necessary to the implementation of the concentration, these restrictions are covered pursuant to Article 6(1)(b), second subparagraph, of Council Regulation (EEC) No. 4064/89.
  4. 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 (EEC) No. 4064/89.

For the Commission,

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<sup>3</sup> OJ C 217, 29.07.2000, p. 32.