

***Case No COMP/M.2249 -  
MARCONI / RTS / 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: 23/03/2001

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.03.2001  
SG(2000)D/287107

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties:

Dear Sirs,

**Subject: Case No COMP/M. 2249 MARCONI / RTS / JV**

Notification of 20.02.2001 pursuant to Article 4 of Council Regulation No 4064/89<sup>1</sup>

1. On 20 February 2001, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89, by which the UK communications company Marconi Corporation plc ("Marconi") and the UK holding company Railtrack Telecom Services, belonging to the Railtrack Group PLC ("Railtrack"), acquire, within the meaning of Article 3(1)(b) of the Council Regulation, joint control of the undertaking JVCo by way of purchase of shares in a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are:
  - for Marconi : global communications and information technology.
  - for Railtrack : management of the national rail infrastructure in the UK.
  - for JVCo : ownership and provision of mast infrastructure.

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<sup>1</sup> OJ L 395, 30.12.1989 p.1; corrected version OJ L 257 of 21.9.90, 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.

3. 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 c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89<sup>2</sup>.
4. 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.
5. 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 No.4064/89.

For the Commission,

*(signed)*

**Mario MONTI**

Member of the Commission

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<sup>2</sup> OJ C 217, 29.07.2000, p.32.