

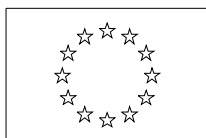
***Case No COMP/M.3176 -
DIAGEO / HEINEKEN /
OLFILTRA / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 10/07/2003

*Also available in the CELEX database
Document No 303M3176*



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.07.2003

SG (2003) D/230577

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

Dear Madam(s) and/or Sir(s),

**Subject: Case No. COMP/M.3176 - Diageo/Heineken/Olfitra/JV
Notification of 06.06.2003 pursuant to Article 4 of Council Regulation (EEC)
No. 4064/89
Publication in the Official Journal of the European Communities No. C 143,
19.06.2003, page 4**

1. On 06/06/2003, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89¹, as last amended by Regulation (EC) No 1310/97², by which the undertakings Diageo plc, Great Britain ("Diageo") and Heineken International BV, The Netherlands ("Heineken"), acting together and Ohlthaver & List Finance and Trading Corporation Limited, Namibia ("Olfitra") acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Namibia Breweries Limited, Namibia ("NBL") by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - Diageo: global consumer company, production, distribution, marketing, exporting and importing of beer and other spirits, world-wide;
 - Heineken: world-wide production, commercialization and distribution of beer;

¹ OJ L 395, 30.12.1989 p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

² OJ L 180, 9. 7. 1997, p. 1; corrigendum OJ L 40, 13.2.1998, p. 17.

- Olfiltra: investment company in Namibia with interests in diverse businesses including fishing, meat, hotels, dairy, marine engineering, farming, retail and property management and development.
 - NBL: brewing and marketing and distribution of beer and some other beverages for the Namibian and South African markets.
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 a of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89³.
 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
Mario MONTI
Member of the Commission

³ OJ C 217, 29.07.2000, p. 32.