

***Case No COMP/M.3312 -
NESTLE / INGMAN
FOODS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 17/12/2003

*Also available in the CELEX database
Document No 303M3312*



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.12.2003

SG (2003) D/233556

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

Dear Madam and Sir,

**Subject: Case No. COMP/M.3312-Nestlé S.A./Ingman Foods OY AB
Notification of 19.11.2003 pursuant to Article 4 of Council Regulation (EEC)
No. 4064/89¹, as last amended by Regulation (EC) No 1310/97²
Publication in the Official Journal of the European Union No. C 285,
28.11.2003, page 22**

1. On 19.11.2003 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertakings Nestlé Sverige AB ("Nestlé", Sweden), belonging to the Nestlé Group (Switzerland) and Ingman Glass AB ("Ingman", Sweden), belonging to the Ingman Group (Finland) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Svenska Glasskiosken AB ("Svenska Glasskiosken", Sweden) by way of purchase of shares in a newly created company constituting a joint venture.

The business activities of the undertakings concerned are:

- for Nestlé: production, marketing and sale of a large variety of food products such as dairy products, soluble coffee, roast and ground coffee, mineral water, beverages, cereals, instant food and diet products, frozen food, ice cream, chocolate and pet care,
- for Ingman: production of dairy products, liquid milk products, ice-cream products as well as cheese, butter and powder,

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.

- Svenska Glasskiosken: sale, marketing and distribution of ice cream products in Sweden.

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 a of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89³.
3. 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, signed
Member of the Commission

³ OJ C 217, 29.07.2000, p. 32.