

***Case No COMP/M.3708 -
APOLLO / DIRECTV /
HUGHES NETWORK
SYSTEMS***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 23/03/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23/03/2005

SG-Greffe(2005) D/201480/1

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties :

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

Subject: Case No. COMP/M.3708 – Apollo / DirecTV / Hughes Network Systems

Notification of 23/02/2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹

Publication in the Official Journal of the European Communities No. C 55, 04.03.2005, page 2.

1. On 23/02/2005, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings Apollo Group Inc. (“Apollo”), USA, and DirecTV Group Inc. (“DirecTV”), USA, belonging to News Corporation group, acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the newly created undertaking Hughes Network Systems LLC (“HNS”), USA, by way of purchase of shares.

The business activities of the undertakings concerned are:

- for undertaking Apollo : Investment fund;
- for undertaking DirecTV : Provision of digital television entertainment, broadband satellite networks and services, global video and data broadcasting;

¹ OJ L 24, 29.1.2004 p. 1.

- for undertaking HNS: Broadband satellite networks and services, consumer satellite terminals and mobile satellite networks and equipment.
2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5, subparagraph c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².
 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 (EC) No. 139/2004.

For the Commission,
(signed)
Neelie KROES
Member of the Commission

² Available on DG COMP website:
http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified_tru.pdf.