

***Case No COMP/M.4072 -  
NEC / PHILIPS  
BUSINESS  
COMMUNICATIONS***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 13/03/2006

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EUROPEAN COMMISSION

Competition DG

Information, Communication and Media

Brussels, 13.03.2006

SG-Greffe(2006) D/201091

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party

Dear Sir,

**Subject: Case No. COMP/M.4072 – NEC / Philips Business Communications**

Notification of 07.02.2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004<sup>1</sup>.

Publication in the Official Journal of the European Communities No. C 038, 15.02.2005, page 6.

1. On 7 February 2006, the Commission received a notification of a proposed concentration pursuant to Article 4, and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 by which NEC Corporation, (“NEC”; Japan) will acquire within the meaning of 3(1)(b) of the Council Regulation, sole control over Philips Business Communications (“PBC”; Netherlands) by way of a transfer of shares.
2. The business activities of the undertakings concerned are:
  - for NEC: manufacture and sale of telecommunication equipment, computers and electronic devices;
  - for PBC: distribution and sale of telecommunication solutions.

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<sup>1</sup> OJ L 24, 29.1.2004 p. 1.

3. 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(c), of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
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 (EC) No. 139/2004.

For the Commission,  
signed  
Neelie Kroes  
Member of the Commission

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<sup>2</sup> Available on DG COMP website:  
[http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified\\_tru.pdf](http://europa.eu.int/comm/competition/mergers/legislation/consultation/simplified_tru.pdf).