

***Case No COMP/M.5361 -  
BANK OF AMERICA /  
MERRILL LYNCH***

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: 04/12/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 04.12.2008  
SG-Greffe(2008) D/207684  
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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.5361 - BANK OF AMERICA / MERRILL LYNCH  
Notification of 06/11/2008 pursuant to Article 4 of Council Regulation (EC) No  
139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No C 293,  
15/11/2008, p. 14**

1. On 6/11/2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which Bank of America Corporation (BAC, United States) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of Merrill Lynch & Co., Inc (Merrill, United States) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - BAC: retail, corporate and investment banking, wealth and investment management;
  - Merrill: global markets and investment banking, wealth management.

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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)  
Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005, p. 32.