

***Case No COMP/M.5486 -
VODAFONE /
HUTCHISON
WHAMPOA / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 26/03/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.03.2009
SG-Greffe(2009) D/1863/1864
C(2009)2367

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b)

SIMPLIFIED PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.5486 – VODAFONE/ HUTCHISON WHAMPOA/ JV
Notification of 26.02.2009 pursuant to Article 4 of Council Regulation (EC) No
139/2004¹
Publication in the Official Journal of the European Union No C 53, 06.03.2009
p.8**

1. On 26.02.2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Vodafone Australia Limited ("VAL", Australia) belonging to the group Vodafone Group Plc ("Vodafone", UK) enters into a full merger within the meaning of Article 3(1)(a) of the Council Regulation with the undertaking Hutchison 3G Australia Limited ("H3GA", Australia) belonging to the group Hutchison Whampoa Limited ("HWL", Hong Kong). The new entity (the "JV", Australia) will be jointly controlled by Vodafone and HWL.

The business activities of the undertakings concerned are:

- for Vodafone: provision of mobile and fixed voice and data communications services globally.
- for HWL: telecommunications; ports and related services; retail; property and hotels; energy, infrastructure, finance and investments and others, throughout the world.
- for JV: 2G and 3G mobile network operator, providing mobile voice and data services.

¹ OJ L 24, 29.1.2004, p. 1.

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(a) 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)
Philip LOWE
Director General

² OJ C 56, 05.3.2005, p. 32.