

EN

***Case No COMP/M.7195 -
LOTTE / NESTLE /
LOTTE NESTLE KOREA
JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 18/03/2014

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EUROPEAN COMMISSION

Brussels, 18.3.2014
C(2014) 1924 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case M.7195 – LOTTE / NESTLE / LOTTE NESTLE KOREA JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 19 February 2014, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Nestlé S.A. ("Nestlé", Switzerland) and Lotte Group ("LOTTE", Korea) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control in a newly created company constituting a joint venture ("LOTTE-Nestlé (Korea) JV", Korea) by way of purchase of shares².
2. The business activities of the undertakings concerned are:
 - Nestlé: production, marketing and sale of a large variety of food and beverage products, as well as some non-food related activities,

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

² Publication in the Official Journal of the European Union No C 53, 25.2.2014, p. 31.

- LOTTE: holding group with interests in sectors such as food, retail, hotels, chemicals, construction and finance,
 - LOTTE-Nestlé (Korea) JV: production, distribution and sale of a number of food and beverage products, as well as pet care products.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission

(signed)
Alexander ITALIANER
Director General

³ OJ C 366, 14.12.2013, p. 5.