



EUROPEAN COMMISSION
DG Competition

Case M.8736 - TOO HIL TELECOM / EIRCOM

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 06/02/2018

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EUROPEAN COMMISSION

Brussels, 6.2.2018
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PUBLIC VERSION

To the notifying party

**Subject: Case M.8736 – TOOHIL TELECOM / EIRCOM
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

Dear Sir or Madam,

1. On 08 January 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Toohil Telecom Holdings Limited ("Toohil Telecom", Ireland), ultimately controlled by Mr. Xavier Niel (France) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Eircom Holdco S.A. ("Eircom", Luxembourg) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for Toohil Telecom: part of the group of companies controlled by Mr. Xavier Niel which are mainly focused on investments in the following sectors: telecoms, media, technologies, start-ups businesses and real estate. In particular, Mr. Xavier Niel controls Iliad, a French company active in the provision of fixed and mobile telephony and internet access providing and hosting services.
 - for Eircom: Eircom offers a range of fixed voice, data, high speed broadband, mobile, and TV services, as well as Voice over Internet Protocol and Wi-Fi services to the individual consumers, households, business users, wholesale customers, small and medium enterprises, and government in the Republic of Ireland. It also offers a range of connectivity services to the public sector customers in Northern Ireland, as well as to Irish companies with subsidiaries or branches in the United Kingdom.

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 OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

³ Publication in the Official Journal of the European Union No C 014, 16.1.2018, p. 11.

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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
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 and Article 57 of the EEA Agreement.

For the Commission

(Signed)

Johannes LAITENBERGER

Director-General

⁴ OJ C 366, 14.12.2013, p. 5.