



EUROPEAN COMMISSION
DG Competition

***Case M.9394 - ECHOSTAR /
MUBADALA / HPE JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 09/10/2019

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EUROPEAN COMMISSION

Brussels, 9.10.2019
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PUBLIC VERSION

To the notifying parties

**Subject: Case M.9394 – ECHOSTAR / MUBADALA / HPE JV
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 13 September 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of the Merger Regulation by which Hughes Network Systems, LLC (“Hughes”, United States of America), ultimately controlled by EchoStar Corporation (United States of America) and Al Yah Satellite Communications PrJSC (“Yahsat”, United Arab Emirates), controlled by Mubadala Investment Company PJSC (United Arab Emirates) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of HNS Participações e Empreendimentos Ltda. (“HPE”, Brazil) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for Hughes: provision of broadband satellite technologies and broadband internet services to home and small office customers;
 - for Yahsat: provision of multipurpose satellite solutions in the areas of broadband, broadcast, government and commercial communications;
 - for HPE: provision of satellite services in Brazil.

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 316, 20.09.2019, p. 7.

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 139/2004.⁴
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)
Cecilio MADERO VILLAREJO
Acting Director-General

⁴ OJ C 366, 14.12.2013, p. 5.