

December 2006

A legal update from Dechert's EU & Competition Group

## EU Briefing

The following briefing sheet contains an overview of the activities of the various European Union institutions for December 2006.

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## INSTITUTIONAL ACTIVITIES

### Dawn Raids at German Electricity Companies

On 12 December 2006, the European Commission (the Commission) carried out unannounced inspections at the premises of electricity companies in Germany. The Commission stated that it had reasons to believe the companies concerned may have violated Articles 81 (prohibition on restrictive business practices) and/or 82 (prohibition on abuse of a dominant market position). The Commission stated that the inspections were not related to its pending energy sector competition inquiry.

### Commission Opens Phase II Investigation into Universal's Takeover of BMG's Music Publishing Business

On 8 December 2006, the Commission announced that it has decided to open a full investigation into the proposed acquisition of Bertelsmann Music Group (BMG), a German company, by the U.S.-based Universal. Universal is owned by the French company Vivendi, which is active in the music recording and publishing business. The Commission made the decision after its initial market

investigation indicated that competition on the music publishing markets could be significantly impeded. The Commission found that the same five companies (Universal, BMG, EMI, Warner and Sony) hold the better part of the market on both the music recording and music publishing markets, with Universal being the strongest player in relation to music recording. The merger would mean that Universal would become the strongest player in relation to music publishing.

During its in-depth, or Phase II, investigation the Commission stated that it will assess the likelihood of a negative impact on fees for publishers or on the conditions for songwriters in the European Economic Area (E.E.A.) as a result of the alleged leading position of Universal.

### Commission Conditionally Approves Johnson & Johnson's Proposed Acquisition of Pfizer's Consumer Healthcare Business

On 11 December 2006, the Commission announced that it has approved the merger of Johnson & Johnson (J&J) and Pfizer's consumer healthcare business (PCH) subject to conditions. J&J is a healthcare group active worldwide in pharmaceuticals, consumer products, and medical devices and diagnostics. PCH is a division of Pfizer, active worldwide in over-the-counter pharmaceuticals and personal care products.

The aspects of the merger that the Commission feared could give rise to competitive impediments were in relation to the following three business segments:

- Topical dermatological antifungals in Italy – it is alleged that since J&J and PCH are two of the three players on this market, the merger as proposed would significantly reduce the amount of competition

- Daily use mouthwash in Greece – it is alleged that J&J and PCH are the two leading suppliers, and
- Nicotine replacement therapy products in the E.E.A. – J&J's subsidiary ALZA manufactures nicotine patches for GlaxoSmithKline (GSK), and it is alleged that the proposed merger would have meant that J&J would acquire PCH's Nicorette business, which competes with GSK's Niquitin business. The Commission considered this would provide the incentive and the capability for the merged entity to restrict GSK's access to products

J&J has offered to divest its activities in these three product areas so that competition in the areas in which the two entities overlapped is no longer threatened post-merger. The Commission has agreed to the remedies and has conditionally approved the merger.

### **Court of First Instance (CFI) Reduces Fines Imposed by Commission in French Beef Cartel**

On 13 December 2006, the CFI upheld the Commission's decision to impose fines on French farmers' trade unions (the first time fines had ever been imposed on the trade unions) but reduced the total fines by 10 percent.

In April 2003, the Commission imposed fines on farmers' trade unions totaling € 16.7 million as a result of an infringement of Article 81(1) of the E.C. Treaty. Six French federations in the beef sector concluded a written agreement in October 2001 to i) set a minimum purchase price for certain categories of cattle and ii) to suspend imports of beef onto France. Four of the federations represented cattle farmers and two represented cattle slaughterers.

On 26 November 2001, the Commission sent a letter of formal notice to the federations stating that their agreement was unlawful and received a written assurance in response from the federations that the agreement would end on 30 November 2001 and that it would not be extended. In December 2001, the Commission carried out inspections at the premises of three of the federations because it had information that the agreement was in fact continuing. The Commission found handwritten notes, memos, minutes of meetings all discussing the continuation of the agreement after the supposed termination date, and including language noting that the agreement was "*a bit against the law, but that can't be helped,*" and "*can we close ranks, without being caught by the [French competition authority]?*"

Interesting in this case is that in setting the fines, the Commission took into account the specific economic context of the sector at the time of the infringement, namely the BSE crisis which had badly affected the beef

trade from October 2000 onwards. The Commission reduced the fines imposed on the two slaughterers' federations because it found that the farmers' federations had coerced them into concluding and implementing the agreement under threat of violence.

The federations appealed the Commission's decision, arguing that, inter alia, their agreement had not infringed Article 81 because they did not constitute associations of undertakings and that the Commission's decision restricted the exercise of freedom of their trade union activity.

The CFI upheld the Commission's decision and analysis that it was important for trade unions to be able to protect the interests of their members but that they could not act illegally. The CFI reduced the total fines imposed upon the federations from € 16.7 million by 10 percent to € 11.9 million. The Commission had in its original decision granted a 60 percent reduction in fines but the CFI considered that the specific economic conditions at the time of the infringement were so exceptional that a 70 percent reduction was to be awarded.

### **Microsoft Appeals against Penalty Payments**

On 2 December 2006, details were published of Microsoft's appeal before the CFI seeking annulment of the Commission's 12 July 2006 decision to impose penalty payments on Microsoft totaling € 280.5 million (€ 1.5 million per day from 16 December 2005 to 20 June 2006). The CFI ruled Microsoft had failed to provide interoperability information as required under its original decision in March 2004, where it held that Microsoft had infringed Article 82 of the E.C. Treaty by leveraging its dominant position on the market for personal computer operating systems into the markets for work group server operating systems and for media players.

On 2 October 2006, Microsoft lodged an appeal before the CFI, seeking annulment of the Commission's July 2006 decision. The details of the appeal were published in the Official Journal. Microsoft claims that:

- the Commission failed to provide it with clear and precise instructions as to what information was required
- the Commission failed to prove that Microsoft had not complied with the obligations to provide interoperability information under the March 2004 decision, and used the wrong standard to assess technical information
- the Commission denied Microsoft the right to be heard before adopting the July 2006 decision

- the Commission denied Microsoft full access to the file, thereby breaching its rights of defense, and
- the Commission failed to take into account the complexity of the compliance obligation and therefore the penalty payment is excessive and disproportionate

The case is pending before the CFI.

### Details of Sony BMG's Appeal to the European Court of Justice Published

On 15 December 2006, details were published of an appeal by Bertelsmann AG and Sony Corporation of America (the appellants) against a decision by the Court of First Instance (CFI) decision annulling the Commission's decision to approve a joint venture between Sony and Bertelsmann.

On 20 July 2004, the Commission announced that it had unconditionally approved the creation of a joint venture between Sony and Bertelsmann Music Group (BMG) whereby the parties would merge their global recorded music businesses. In December 2004, Impala, an international association representing music production companies, sought an annulment of the Commission's decision. It lodged an appeal before the CFI.

On 13 July 2006, the CFI annulled the Commission's decision, finding that the grounds for concluding there was not a collective dominant position on the markets for recorded music (lack of transparency and absence of retaliatory measures) were not adequately supported by reasoning or examination.

Bertelsmann and Sony lodged an appeal against the CFI's decision before the European Court of Justice (E.C.J.). The appellants are making seven pleas, namely that the CFI:

- erred in law by using the Commission's statement of objections as a benchmark for its substantive assessment of the decision
- erred in law by requiring the Commission to conduct a new market investigation following the notifying parties' response to the statement of objections
- erred in law by applying an erroneous and excessively high standard of proof for merger clearance decisions
- exceeded the scope of judicial review by substituting its own assessment for that of the Commission and, in doing so, itself committed manifest errors and fundamentally misconstrued the evidence
- erred in law by misapplying the criteria developed in *Airtours* for the assessment of the feasibility of tacit collusion
- erred in law by applying an erroneous and excessive standard of reasoning for merger clearance decisions, and
- erred in law by relying on evidence that was not disclosed to the applicants and that was not before the Commission at the time it adopted its decision

The appellants are seeking the annulment of the judgment of the CFI, the rejection of Impala's application for annulment of the Commission's decision or, alternatively, that the case be referred back to the CFI for reconsideration.

### Commission Readopts Alloy Surcharge Cartel Decision and Fines ThyssenKrupp Stainless AG

On 20 December 2006, the Commission announced that it has readopted a decision on a cartel in the stainless steel sector and has fined ThyssenKrupp Stainless AG (ThyssenKrupp) € 3,168,000.

In January 1998, the Commission found that eight stainless steel producers had agreed upon a price increase in the "alloy surcharge" (the surcharge applied to stainless steel products to reflect the price of nickel alloy) in the stainless steel sector. ThyssenKrupp (formerly Krupp Nirosta GmbH) was one of the producers found to have participated in the cartel by the Commission. The Commission also fined ThyssenKrupp for the participation of Thyssen Stahl GmbH in the cartel, finding that ThyssenKrupp had declared its liability for Thyssen Stahl's behaviour during the relevant period. The fine imposed upon ThyssenKrupp totaled € 3,564,000.

In 2001, the CFI annulled in part the Commission's decision, finding that ThyssenKrupp had not been explicitly invited by the Commission in its statement of objections to comment on the cartel behavior of Thyssen Stahl. As a result of this procedural error, the CFI reduced the fine imposed upon ThyssenKrupp. In 2005, the E.C.J. upheld the decision of the CFI.

On 5 April 2006, the Commission issued ThyssenKrupp with a statement of objections in which it was invited to give its comments on the cartel behavior of Thyssen Stahl, thereby correcting the procedural error noted by the Courts. The Commission has readopted its 1998 decision and the reduction in the fine imposed upon ThyssenKrupp includes a 20% reduction for cooperation by ThyssenKrupp under the Leniency Notice.

## Commission Opens In-depth Investigation into Ryanair's Proposed Acquisition of Aer Lingus

On 20 December 2006, the Commission announced that it has opened a detailed investigation into the proposed takeover of Aer Lingus by Ryanair. The Commission stated that it has found that:

- the proposed takeover would bring together the two main airlines operating out of Ireland, therefore leading to overlaps on many European routes on which the parties are the only competitors
- the parties are the main operators out of Dublin airport
- the parties are each others closest competitors for services out of Ireland, and
- barriers to entry are high

The Commission has concerns that the proposed merger could eliminate actual and potential competition between the parties on a large number of routes out of Ireland and could also eliminate current competition to and from Dublin airport. On 29 November 2006, Ryanair proposed a package of remedies to address the competition concerns of the Commission but they were not deemed sufficient to remove the Commission's serious doubts.

The 90-day deadline for the Commission to conclude their in-depth investigation is 11 May 2007.

## ECJ Decides on Legality of Italian Rules on Legal Fees

On 5 December 2006, the E.C.J. handed down its judgment on two references made by the Italian courts, the first of which related to a bill for professional legal services and disbursements, and the second of which related to a disputed bill for out-of-court services. Both cases necessitated an analysis of whether the adoption of a law by Italy regulating fee levels for lawyers was compatible with Community law.

The E.C.J. ruled first upon the question of whether Article 10 (which prohibits Member States from taking actions which could jeopardize Treaty objectives), and Articles 81 and 82 (which prohibit restriction of competition) prevent a Member State from adopting legislation which fixes the minimum and maximum rate for lawyers' fees and which prohibits derogation from that legislation. The E.C.J. held that the adoption of such a law regulating fee levels was not prevented by the relevant Articles. It reasoned as followed:

- Articles 81 and 82 regulate the conduct of undertakings and not laws, but when read in conjunction with Article 10 require that

measures introduced by Member States must not make competition rules ineffective

- If a Member State requires or encourages the adoption of measures contrary to Article 81 then Articles 10 and 81 will be infringed. Such infringement will also occur where Member States delegate the responsibility for taking decisions affecting the economic sphere to private operators, i.e. divesting its own rules of the character of legislation
- In the present case, the fee tariff is produced in draft by the National Council of the Bar (CNF) and which must then have ministerial approval to enter into force. The E.C.J. held that the tariff in its draft form was not, therefore, of the character of legislation

Secondly, the E.C.J. considered the question of whether Article 49 (which prohibits the restriction of freedom to provide services) prevent a minimum fee tariff, and, if so, can it be justified by overriding public interests? The E.C.J. held that while legislation that prohibits derogation from the minimum fees set out in the fee tariff amounts to a restriction on the freedom to provide services, it is up to the national country to decide whether such derogation might be justified. The questions that the national court must take into account are:

- Is there correlation between the level of the fees and the quality of the service provided?
- Is the setting of minimum fees an appropriate measure to attain consumer protection and the administration of justice objectives? (The E.C.J. considered that a point to bear in mind was that such a scale could stop lawyers from being encouraged to compete by offering discounted services, thereby risking worse quality service)

## TELECOMS

### Further Proceedings Opened by Commission for Infringement of EU Telecom Rules

On 13 December 2006, the Commission announced that it has taken more steps in bringing proceedings against Member States for failing to correctly implement the regulatory framework for electronic communications.

The framework came into force in 2002 and consists of five directives:

- Framework Directive – outlines general principles, objectives and procedures
- Authorization Directive – replaces individual licenses by general authorizations to provide communications services

- Access and Interconnection Directive – sets out rules for a multi-carrier marketplace, ensuring access to networks and services, interoperability etc.
- Universal Service Directive – guarantees basic rights for consumers and minimum levels of availability and affordability, and
- e-Privacy or Data Protection Directive – covers protection of privacy and personal data communicated over public networks

The Commission has opened two new cases against Poland relating to the independence of the national regulatory authority and to the unavailability of caller information for mobile calls to 112 (the Single European Emergency Number). Slovakia is being sent a reasoned opinion in respect of the former issue, and Latvia a reasoned opinion in respect of the latter. Two Member States are being referred to the E.C.J. by the Commission – France regarding the designation mechanism for universal service and Poland in respect of the incorrect transposition of the Access Directive.

The Information Society and Media Commissioner Viviane Reding stated that “compliance with E.U. law is particularly important in the telecom sector, which is increasingly subject to cross-border competition. This is why the Commission will launch infringement proceedings wherever necessary and not shy away from bringing non-compliant Member States before the European Court of Justice.”

## STATE AID

### Commission Adopts New De Minimis State Aid Regulation

On 12 December, the Commission announced that it has adopted a new regulation on state aid which takes into account the comments arising from a series of public consultations throughout 2006. The new regulation's key features are as follows:

- aid of up to € 200,000 granted will not be considered as state aid. This doubles the existing de minimis threshold of € 100,000. Also, the de minimis rule now applies, under certain conditions, to the marketing and processing of agricultural products and to the transport sector
- only measures where the exact aid amount can be determined in advance, that is, “transparent” types of aid, will be covered by the de minimis rule
- guarantee schemes are covered by the de minimis rule as long as the total amount of the

guaranteed part of a loan is not higher than € 1.5 million. However, Member States will also be able to offer loan guarantees for larger amounts if they use methodology accepted by the Commission to show that the aid element is not more than € 200,000

- cumulation of de minimis aid with state aid is prohibited where it would lead to aid intensities higher than those provided for under block exemptions or are approved by Commission decisions
- monitoring requirements are clarified by the regulation

Competition Commissioner Neelie Kroes said that the regulation will “allow Member States and the Commission to save time and resources.” The regulation came into effect on 1 January 2007 and will apply until 31 December 2013.

### CFI Annuls Commission Refusal to Allow Access to Documents Relating to State Aid Investigation

On 14 December 2006, the CFI annulled a decision of the Commission to refuse access to documents relating to an investigation into aid granted to Technische Glaswerke Ilmenau GmbH (TGI), a German glass production company.

In 1998 Germany made, among other aid measures, a debt payment waiver and a loan to TGI. In 2001, the Commission decided, upheld by the CFI in 2004, which the debt payment waiver did not comply with the private market investor principle and was therefore incompatible with the common market. The Commission opened a second investigation into the loan in 2001. TGI requested access to a non-confidential version of the Commission's file but this was rejected. In 2002 TGI requested access to all documents relating to the above investigations and also to the investigation into aid given to Schott Glas, another glass company.

The Commission refused TGI's right to access, claiming that Article 4(2) of Regulation 1049/2001 expressly provides that disclosure would undermine the protection of the purposes of inspections and investigations, unless there was an overriding public interest in disclosure of the documents. TGI sought an annulment of the Commission's decision on appeal before the CFI.

The CFI held that in order to rely on Article 4(2), the Commission had to carry out a concrete, individual assessment of *each* document and decide whether there was foreseeable (not merely hypothetical) risk to the protected interest. The CFI found that the Commission had not done this and had rather merely relied on a

general, overall analysis of the documents according to what category they came within.

The CFI did, however, consider that certain circumstances would prevent an individual assessment being made but that the present case did not have such circumstances surrounding it because:

- the documents were not manifestly covered by an exception to the right of access in their entirety – just because a file relates to an ongoing investigation does not mean this is the case
- the investigation would not have been harmed by the disclosure of the documents – the concerns of the Commission that this would be the case were only hypothetical assertions, vague and general
- derogation from the obligation to examine individual documents will only be allowed in exceptional cases where it would be administratively unreasonable to expect an individual assessment – the Commission did not base its derogation on these grounds

The CFI therefore annulled the Commission's 2002 decision.

## POLICY

### Commission Adopts New Leniency Notice

On 7 December 2006, the Commission announced that it has adopted a revised Notice on Immunity from Fines and Reduction of Fines in Cartel Cases (Leniency Notice), which aims to provide more guidance and clarity for companies applying for immunity from and reduction of fines. Reference is made to the Autumn 2006 edition of Dechert On Point which summarizes the provisions, however the following amendments were made to the draft version:

- confirmation that the processing of personal data provided under the Leniency Notice will be done with regard to the Commission's obligations under Regulation 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ 2001 L6/1)
- clarification that the assessment of whether the threshold for full immunity has been met will be done *ex ante*, that is, without taking into

account whether or not the inspection has been carried out or is successful

- clarification that the information and evidence provided in support of an application for immunity only needs to be provided to the extent that it would not (in the Commission's view) jeopardize the inspections
- clarification that the Commission will not consider other applications for immunity from fines before it has taken a position on an existing application, irrespective of whether the immunity application is presented formally or by requesting a marker, and
- confirmation that a corporate statement will only be accepted orally if the applicant has not disclosed the content of the statement to third parties

The revised Leniency Notice was published and came into force on 8 December 2006.

### Bulgaria and Romania Accede to the EU

On 26 September 2006, the Commission stated that "throughout the one and half decade of preparations for E.U. accession Bulgaria and Romania have carried out an extraordinary reform process and they have gone through a remarkable transformation," and confirmed that both countries will be in a position to accede on 1 January 2007.

The Commission noted that there was a limited number of areas where further work is necessary, and that to avoid any potential risks, a number of further measures, additional to the existing safeguard measures in various E.U. policies, have been determined to accompany the accession of Bulgaria and Romania. These measures include economic, internal market and other transitional measures, including a justice and home affairs safeguard clause whereby for three years post-accession and beyond that date until the situation is remedied, the Commission can take measures to safeguard against shortcomings in the transposition or implementation of E.U. rules relating to the functioning of the justice system.

Bulgaria and Romania have both established national regulatory authorities to enforce both E.C. and national competition rules and must apply E.C. competition law immediately when they accede.

**CONCENTRATIONS UNDER MERGER REGULATION FOR DECEMBER 2006**

Name of Parties	Business Sector	JV or Merger	Stage of Procedure	Reference
Accor Services France/Groupe Caisse d'Epargne/Accor Emploi Services Universel JV	Emission and marketing of Cheques for Universal Employment Services (CESU), with a fixed amount	JV	Prior notification of a concentration	OJ [2006] C 298/10
Advent/Carlyle/HC Starck	Refractory metals, advanced ceramics, conductive polymers and other electronic chemicals	JV	Prior notification of a concentration	OJ [2006] C 311/12
Alcatel/Nortel Networks	Supply of UMTS RAM equipment	Merger	Non-opposition to a notified concentration	OJ [2006] C 306/06
Alfa Acciai/Cronimet/Remondis/TSR Group	Trade in and processing of secondary raw material for the steel industries	JV	Prior notification of a concentration	OJ [2006] C 308/09
An Post/Fortis/JV	Universal postal services; provision of banking and insurance services	JV	Prior notification of a concentration	OJ [2006] C 301/08
Apollo Group/Jacuzzi Brands	Bath and plumbing products	Merger	Prior notification of a concentration	OJ [2006] C 301/07
Arla/Ingman Foods	Supply of dairy products	Merger	Prior notification of a concentration	OJ [2006] C 300/08
AXA/Gerflor	PVC floor covering	Merger	Non-opposition to a notified concentration	OJ [2006] C 297/16
Bertelsmann/Vodafone/Moconta	Conceptual design and marketing of mobile telecommunications services	JV	Non-opposition to a notified concentration	OJ [2006] C 301/10
Blackstone/PAI/United Biscuits	Production and sale of sweet and savoury biscuits, cakes and snacks	JV	Non-opposition to a notified concentration	OJ [2006] C 308/03
Boeing/C-MAP	Supply of electronic marine charts and related services and products	Merger	Prior notification of a concentration	OJ [2006] C 301/06
Cinven/Gondola	Holding company for Pizza Express, Ask and Zizzi restaurant chains in the UK	Merger	Non-opposition to a notified concentration	OJ [2006] C 303/31
Daikin/OYL	Air conditioners	Merger	Non-opposition to a notified concentration	OJ [2006] C 297/15
DHC/KP1	Development, design, manufacture, sale and installation of construction materials and structures	Merger	Prior notification of a concentration	OJ [2006] C 293/06
Diehl/Thales/JV	Production and sale of fuses and safety and arming devices	JV	Non-opposition to a notified concentration	OJ [2006] C 308/04
Doosan/Mitsui Babcock	After market to the power industry	Merger	Non-opposition to a notified concentration	OJ [2006] C 313/09
EBN/COGAS Energy	Retail supply of electricity and natural gas in the Netherlands	JV	Non-opposition to a notified concentration	OJ [2006] C 295/07
GE/Disko/ASL	Equipment finance; fleet leasing and management services	JV	Non-opposition to a notified concentration	OJ [2006] C 313/11

**CONCENTRATIONS UNDER MERGER REGULATION FOR DECEMBER 2006**

<b>Name of Parties</b>	<b>Business Sector</b>	<b>JV or Merger</b>	<b>Stage of Procedure</b>	<b>Reference</b>
HAL/Egeria/NB	Insurance: issuing of bonds and guarantees	JV	Prior notification of a concentration	OJ [2006] C 297/13
Industri Kapital/Attendo	Provision of care to elderly and disabled persons, children and youth	Merger	Prior notification of a concentration	OJ [2006] C 311/16
Istithmar/Mubadala/DAE/SR Technics	Maintenance, repair and overhaul services for commercial aircraft	JV	Non-opposition to a notified concentration	OJ [2006] C 300/10
JCI/VB/FIAMM	Manufacture and sale of batteries	JV	Initiation of proceedings	OJ [2006] C 300/06
KKR/SIF (Tarkett)	Manufacture of veneer sheets, laminboard, fiber board and other panels and boards	Merger	Non-opposition to a notified concentration	OJ [2006] C 305/08
Lagardere/Sportfive	Sport broadcasting rights, marketing services	Merger	Prior notification of a concentration	OJ [2006] C 303/29
Macquarie/Thames Water	Provision of water and sewage services in a designated area in and around London	Merger	Non-opposition to a notified concentration	OJ [2006] C 296/11
Merril Lynch/Irish Life & Permanent	Specialist mortgage loans in Ireland	JV	Non-opposition to a notified concentration	OJ [2006] C 301/11
Philips/PLI	Development, manufacture and sale of lighting products	Merger	Prior notification of a concentration	OJ [2006] C 316/05
PHL/IBFF	Production and marketing of branded frozen food	Merger	Non-opposition to a notified concentration	OJ [2006] C 298/12
PKN/Mazeikiu	Crude oil processing, manufacture and sale of petroleum and other petrochemical products	Merger	Non-opposition to a notified concentration	OJ [2006] C 295/06
Plastic Omnium/Inopart	Automobile components	Merger	Non-opposition to a notified concentration	OJ [2006] C 305/09
Rettig Capital/Ahlstrom Capital/Nordalk	Manufacturing of limestone-based products	JV	Prior notification of a concentration	OJ [2006] C 292/07
RREEF/Peel Ports Holdings/Peel Ports	Operation and maintenance of port facilities in the UK and Ireland including the provision of terminal services	JV	Non-opposition to a notified concentration	OJ [2006] C 311/18
Schmolz & Bickenback/Swiss Steel	Production of carbon steel and specialty steel products	Merger	Non-opposition to a notified concentration	OJ [2006] C 305/07
Schneider Electric/APC	Power solutions	Merger	Prior notification of a concentration	OJ [2006] C 317/04
SFR/TELE 2 France	Fixed and mobile telephony, Internet and DSL TV services in France	Merger	Prior notification of a concentration	OJ [2006] C 297/12
Sun group/Autobar Packaging	Manufacture of disposable, flexible and rigid packaging products	Merger	Non-opposition to a notified concentration	OJ [2006] C 313/10

**CONCENTRATIONS UNDER MERGER REGULATION FOR DECEMBER 2006**

<b>Name of Parties</b>	<b>Business Sector</b>	<b>JV or Merger</b>	<b>Stage of Procedure</b>	<b>Reference</b>
SWISS RE/GE LIFE	Provision of life insurance services	Merger	Non-opposition to a notified concentration	OJ [2006] C 303/32
Thermo Electron/Fisher Scientific	Manufacture, supply and distribution of products and services for life science, medical research, university and hospital laboratories	Merger	Non-opposition to a notified concentration	OJ [2006] C 297/14
Thule/Schneeketten	Snow chains	Merger	Withdrawal of a notification of a concentration	OJ [2006] C 320/05
TPG/Telediffusion de France	Provision of over the air and wireless services to broadcasters and telecom operators; operation of terrestrial infrastructures used for the transport of TV, radio and telecom signals	Merger	Non-opposition to a notified concentration	OJ [2006] C 301/09
UCB/Schwarz Pharma	Research and development of pharmaceuticals	Merger	Non-opposition to a notified concentration	OJ [2006] C 303/30
Universal Music Group/BMG Music Publishing	Music publishing	Merger	Non-opposition to a notified concentration	OJ [2006] C 313/02

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1 Jan - 30 Jun 07	German Presidency of the E.U.
1 Jul - 31 Dec 07	Portuguese Presidency of the E.U.

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