

**Opinion of the Advisory Committee on Mergers given at its meeting of 20 June 2008 regarding a draft decision relating to Case COMP/M.4942 — Nokia/Navteq**

**Rapporteur: France**

(2009/C 13/04)

1. The Advisory Committee agrees with the Commission that the notified operation constitutes a concentration within the meaning of Article 3(1)(b) of the EC Merger Regulation and that it can be deemed to have a community dimension pursuant to Article 4(5) of that Regulation.
  2. The Advisory Committee agrees with the Commission that this is a vertical merger comprising the following relevant product markets:
    - Navigable Digital Map Databases — Upstream market,
    - Navigation Software — Intermediate market,
    - Navigation Applications for Mobile Handsets — Downstream market I,
    - Mobile Handsets — Downstream market II.
  3. The Advisory Committee agrees with the Commission that the relevant geographic market for Navigable Digital Map Databases is worldwide in scope.
  4. The Advisory Committee agrees with the Commission that the relevant geographic market for Navigation Software is worldwide in scope.
  5. The Advisory Committee agrees with the Commission that the relevant geographic market for Navigation Applications for Mobile Handsets is at least EEA-wide in scope.
  6. The Advisory Committee agrees with the Commission that the relevant geographic market for Mobile Handsets is at least EEA wide in scope.
  7. The Advisory Committee agrees with the Commission's conclusion that the merged entity would have no incentive to increase the price or degrade quality/delay access to Navigable Digital Map Databases to its competitors in the markets for Navigation Applications for Mobile Handsets and Mobile Handsets.
  8. The Advisory Committee agrees with the Commission's conclusion that the proposed concentration is not likely to result in any anti-competitive impact to the detriment of consumers.
  9. The Advisory Committee agrees with the Commission's conclusion that the proposed concentration will not result in a significant impediment of effective competition in the common market or a substantial part of it.
  10. The Advisory Committee agrees with the Commission that the notified concentration should therefore be declared compatible with the common market pursuant to Article 8(1) of the EC Merger Regulation.
  11. The Advisory Committee recommends the publication of this opinion in the *Official Journal of the European Union*.
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