

Opinion of the Advisory Committee on Mergers given at its meeting of 14 May 2009 regarding a draft Decision relating to Case COMP/M.4994 — Electrabel/Compagnie Nationale du Rhône

Rapporteur: Latvia

(2009/C 279/05)

1. The Advisory Committee agrees with the Commission that Electrabel has negligently put into effect a concentration in breach of Article 7(1) of the Old Merger Regulation (Council Regulation (EEC) No 4064/89 ⁽¹⁾).
2. The Advisory Committee agrees with the Commission that the infringement of Article 7(1) of the Merger Regulation constitutes a case of qualified negligence that cannot be ignored.
3. The Advisory Committee agrees with the Commission that Electrabel must be fined in accordance to Article 14 of the Merger Regulation.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1.

Opinion of the Advisory Committee on Mergers given at its meeting of 4 June 2009 regarding a draft Decision relating to Case COMP/M.4994 (2) — Electrabel/Compagnie Nationale du Rhône

Rapporteur: Latvia

(2009/C 279/06)

1. The Advisory Committee agrees with the factors that were taken into account when calculating the level of the fine for Electrabel SA pursuant to Article 14(2)(b) of Council Regulation (EEC) No 4064/89 ⁽¹⁾. A minority abstain.
2. The Advisory Committee agrees with the actual level of the fine proposed by the Commission. A minority abstain.
3. The Advisory Committee recommends the publication of its opinion in the *Official Journal of the European Union*. A minority abstain.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1.