

Opinion (1) of the Advisory Committee on mergers at its meeting of 26 June 2019 concerning a preliminary draft decision relating to Case M.8179 — Canon/TMSC — Article 14(2) procedure

Canon/Toshiba Medical Systems Corporation

Rapporteur: United Kingdom

(2019/C 362/03)

1. The Advisory Committee (12 Member States) agrees with the Commission's assessment that Canon partially implemented, within the meaning of Article 4(1) of the Merger Regulation (Council Regulation (EC) No 139/2004), its acquisition of control over TMSC by carrying out the Interim Transaction (as defined in the draft decision) prior to its notification to the Commission, which took place on 12 August 2016.
 2. The Advisory Committee (12 Member States) agrees with the Commission's assessment that Canon partially implemented, within the meaning of Article 7(1) of the Merger Regulation (Council Regulation (EC) No 139/2004), its acquisition of control over TMSC by carrying out the Interim Transaction (as defined in the draft decision) prior to its notification to the Commission, which took place on 12 August 2016, and prior to its clearance by the Commission, which took place on 19 September 2016.
 3. The Advisory Committee (12 Member States) agrees with the Commission's assessment that Canon has at least negligently infringed Article 4(1) of the Merger Regulation (Council Regulation (EC) No 139/2004).
 4. The Advisory Committee (12 Member States) agrees with the Commission's assessment that Canon has at least negligently infringed Article 7(1) of the Merger Regulation (Council Regulation (EC) No 139/2004).
 5. The Advisory Committee (12 Member States) agrees with the Commission that Canon should be fined pursuant to Article 14(2)(a) of the Merger Regulation (Council Regulation (EC) No 139/2004).
 6. The Advisory Committee (12 Member States) agrees with the Commission that Canon should be fined pursuant to Article 14(2)(b) of the Merger Regulation (Council Regulation (EC) No 139/2004).
 7. The Advisory Committee (12 Member States) recommends the publication of its opinion in the *Official Journal of the European Union*.
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