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Subject: Case M.10973 – VODAFONE GROUP / ALTICE LUXEMBOURG / FIBRECO Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

1. On 25 January 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which Vodafone ("Vodafone", UK) and Altice ("Altice", Luxembourg) will establish and operate a joint-venture ("the JV", Germany) in which they will acquire joint control within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation. The concentration is accomplished by way of purchase of shares.[3]

2. The business activities are :

   – For the undertakings concened:
     (i) Vodafone is the holding company of a group primarily involved in the operation of mobile telecommunications networks and the provision of mobile telecommunications services, such as mobile voice, messaging and data services in ten Member States within the European Union, including Germany;
     (ii) Altice is a multinational convergent group specialising in telecommunications, content, media, entertainment and advertising and connecting customers via fibre network and mobile broadband;

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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 41, 03.02.2023, p. 21.

– For the JV : (i) the roll-out and operation of fibre telecommunication networks (primarily focussed on the same geographic area (i.e. mainly urban) as Vodafone's current coax cable network) in Germany, and (ii) the offering of wholesale access on an open access and non-discriminatory basis based on such fibre networks.

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(c) 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)
Olivier GUERSENT
Director-General

4 OJ C 366, 14.12.2013, p. 5.