



EUROPEAN COMMISSION

Competition DG

Policy and Strategy

Antitrust and Mergers – Policy and Scrutiny

## **OPINION**

**of the ADVISORY COMMITTEE on MERGERS**

**given at its meeting of 5 November 2010**

**concerning a preliminary draft decision relating to**

**CASE COMP/ M.5658 – UNILEVER /SARA LEE BODY CARE**

**Rapporteur : SLOVAKIA**

1. The Advisory Committee agrees with the Commission that the notified operation constitutes a concentration within the meaning of the Council Regulation No 139/2004.
2. The Advisory Committee agrees with the Commission that the notified operation has a community dimension within the meaning of the Council Regulation No 139/2004.
3. The Advisory Committee agrees with the Commission that, for the purpose of assessing the present operation, the definitions of the relevant **product markets** are:
  - a) separate markets for male deodorants and non-male deodorants;
  - b) market for bath&shower products, whereas a further distinction between bath products and shower products, and a distinction based on gender for shower products can be left open in this case;
  - c) market for soaps, whereas a further distinction between liquid and bar soaps can be left open in this case;
  - d) market for skin care products, whereas a further distinction between face, hand and body care products can be left open in this case;
  - e) market for detergents, whereas it is not necessary to conclude on the exact product market definition in this case;
  - f) market for fabric conditioners, whereas it is not necessary to conclude on the exact product market definition in this case;
  - g) market for shaving products, whereas it is not necessary to conclude on the exact product market definition in this case;

- h) market for toothpaste, whereas it is not necessary to conclude on the exact product market definition in this case;
  - i) market for hair care products, whereas a further distinction between shampoos, conditioners/treatments and styling products can be left open in this case;
  - j) market for household cleaners, whereas it is not necessary to conclude on the exact product market definition in this case, including on a segmentation for multi-purpose cleaners.
4. The Advisory Committee agrees with the Commission that, for the purpose of assessing the present operation, the definitions of the relevant **geographic markets** are national for all markets analysed.
5. The Advisory Committee agrees with the Commission that the proposed concentration is likely to result in a **significant impediment to effective competition** in the common market or in a substantial part of it on the following markets:
- a) non-male deodorants in Belgium;
  - b) non-male deodorants in Denmark;
  - c) non-male deodorants in Ireland;
  - d) non-male deodorants in the Netherlands;
  - e) non-male deodorants in Portugal;
  - f) non-male deodorants in Spain;
  - f) male deodorants in Spain;
  - h) non-male deodorants in the United Kingdom.
6. The Advisory Committee agrees with the Commission that the proposed concentration is not likely to result in a **significant impediment to effective competition** in the common market or in a substantial part of it on the following markets:
- a) all male and non-male deodorants markets other than those mentioned in the previous question 5;
  - b) all markets for bath&shower products;
  - c) all markets for soaps;
  - d) all markets for skin care products;
  - e) all markets for detergents;
  - f) all markets for fabric conditioners;
  - g) all markets for shaving products;
  - h) all markets for toothpaste;
  - i) all markets for hair care products;
  - j) all markets for household cleaners.

7. The Advisory Committee agrees with the Commission that the **commitments** are **sufficient** to remove the significant impediments to competition in the following markets:
  - a) non-male deodorants in Belgium;
  - b) non-male deodorants in Denmark;
  - c) non-male deodorants in Ireland;
  - d) non-male deodorants in the Netherlands;
  - e) non-male deodorants in Portugal;
  - f) non-male deodorants in Spain;
  - f) male deodorants in Spain;
  - h) non-male deodorants in the United Kingdom.
  
8. The Advisory Committee agrees with the Commission that, subject to full compliance with the commitments offered by the parties, and considered all commitments together, the proposed concentration does **not significantly impede effective competition** in the internal market or in a substantial part of it.
  
9. The Advisory Committee agree with the Commission's view that the notified concentration should **be declared compatible** with the Internal Market and the EEA Agreement in accordance with Articles 2(2) and 8(2) of the Merger Regulation and Article 57 of the EEA Agreement.
  
10. The Advisory Committee recommends the publication of its Opinion in the Official Journal of the European Union.

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