



EUROPEAN COMMISSION

Competition DG

Policy and Strategic Support
Antitrust Policy and Scrutiny

OPINION

of the ADVISORY COMMITTEE on MERGERS

given at its meeting of 16 November 2007

regarding a draft decision relating to

Case COMP M.4647 AEE / LENTJES

Rapporteur : LATVIA

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1. The members of the Advisory Committee agree with the Commission that the notified operation constitutes a concentration within the meaning of the Merger Regulation (EEC) No 1394/2004.
 2. The members of the Advisory Committee agree with the Commission that although the notified operation The members of the not have a community dimension within the meaning of article 1 of the Merger Regulation, it is capable of being reviewed under the national competition law in Austria, Germany, Ireland and the United Kingdom. Therefore, it can be examined by the Commission pursuant to Article 4 (5) of the Merger Regulation.
 3. The members of the Advisory Committee agree with the Commission's definition of the relevant product markets of :
 - a) the market for the supply of municipal waste incineration plants based on grate firing with a capacity of more than 4.5 t/h.
 - b) the market for the manufacture of boiler pressure components.
 - c) the market for the supply of thermal treatment plants based on fluidized bed technology with a capacity of less than 200 MWel, whereby a further sub-segmentation can be left open in the present case.

- d) the market for flue gas desulphurisation systems, whereby a further sub-segmentation can be left open in the present case.
4. The members of the Advisory Committee agree with the Commission that all the above mentioned relevant product markets are EEA-wide in scope.
 5. The members of the Advisory Committee agree with the Commission that the proposed concentration The members of the not lead to horizontal competition concerns in the market for the supply of municipal waste incineration plants based on grate firing with a capacity of more than 4.5 t/h, as a result of which effective competition would be significantly impeded in the Common Market or in a substantial part of it.
 6. The members of the Advisory Committee agree with the Commission that the proposed concentration The members of the not lead to horizontal competition concerns in the market for the supply of thermal treatment plants based on fluidized bed technology with a capacity of less than 200 MWel, as a result of which effective competition would be significantly impeded in the Common Market or in a substantial part of it.
 7. The members of the Advisory Committee agree with the Commission that the proposed concentration The members of the not lead to vertical competition concerns in respect of the relationship between the upstream market for flue gas desulphurisation plants and the downstream market for thermal treatment plants based on fluidized bed technology with a capacity of less than 200 MWel, as a result of which effective competition would be significantly impeded in the Common Market or in a substantial part of it.
 8. The members of the Advisory Committee agree with the Commission that the proposed concentration should be declared compatible with the Common Market and with the EEA Agreement.
 9. The members of the Advisory Committee recommend the publication of its opinion in the Official Journal of the European Communities.

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