



EUROPEAN COMMISSION

The Hearing Officer

Final report of the Hearing Officer
in case COMP/M.4647 – AEE/ Lentjes

**(pursuant to Articles 15 and 16 of Commission Decision (2001/462/EC, ECSC)
of 23 May 2001 on the terms of reference of Hearing Officers
in certain competition proceedings – OJ L162, 19.06.2001, p.21)**

On 29 June 2007, Austrian Energy & Environment AG ("AEE") sent a notification to the Commission of the intended acquisition of control over Lentjes GmbH ("Lentjes"), following a referral under Art 4(5) of the Merger Regulation.

Upon examination of the notification, the Commission concluded that the notified operation raised serious doubts as to the compatibility of the notified acquisition with the common market with regard to the market for municipal waste incineration plants. On 3 August 2007, the Commission opened an in-depth investigation into this proposed merger of two suppliers of waste-to-energy plants.

Access to key documents was provided to the notifying party on 7 August 2007, in accordance with paragraph 45 of DG Competition's Best Practices on the conduct of EC merger control proceedings.

On the basis of the additional evidence gathered during the phase II investigation, the Commission services concluded that the proposed transaction would not significantly impede effective competition in the common market or a substantial part thereof and is therefore compatible with the common market and the EEA Agreement. Accordingly, no Statement of Objections was sent to the notifying party.

The Parties did not refer to me any concerns in terms of due process.

In the light of the above, I consider that the rights to be heard of all participants to the present proceeding have been respected.

Brussels, 29 November 2007

Karen WILLIAMS