



EUROPEAN COMMISSION

Competition DG

Policy and Strategy
Strategy and Delivery

OPINION

of the ADVISORY COMMITTEE on MERGERS

given at its meeting of 16 January 2008 regarding a draft decision relating to

CASE COMP/M.4734 - INEOS/ KERLING

Rapporteur : ITALY

1. The Advisory Committee agrees with the Commission that the notified operation constitutes a concentration with a Community dimension within the meaning of Article 3(1)(b) of the EC Merger Regulation, and that it does constitute a case of cooperation under the EEA Agreement.
2. The Advisory Committee agrees with the Commission's definitions of the relevant product markets as stated in the draft decision.
3. The Advisory Committee agrees with the Commission's definition of the relevant geographic market as stated in the draft decision.
 - a) The Advisory Committee agrees with the Commission's definition that the relevant geographic market for S-PVC is wider than national and does not correspond to UK and the Nordic Region, namely Norway and Sweden.
 - b) The Advisory Committee agrees with the analysis done and the elements considered by the Commission to conclude that the geographic market definition for S-PVC corresponds at least to North Western Europe.
4. The Advisory Committee agrees with the Commission that the concentration as notified does not raise serious doubts as to its compatibility with the common market.
5. The Advisory Committee agrees with the Commission's analysis that after the merger it is unlikely that the parties would be able to unilaterally exercise market power in the market for S-PVC as above defined.
6. The Advisory Committee agrees with the Commission that the notified merger should be declared compatible with the Common Market and with the functioning of the EEA Agreement in accordance with Articles 2(2) and 8(1) of the Merger Regulation and Article 57 of the EEA Agreement.

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