



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 4th October 2011

regarding a draft decision relating to case

M.6106 – Caterpillar/MWM

Rapporteur : IRELAND

1. The Advisory Committee agrees with the Commission that the notified operation constitutes a concentration within the meaning of Article 3(1)(b) of the EC Merger Regulation.
2. The Advisory Committee agrees with the Commission that the relevant product market is the market for gas gensets with a power above 0.5MW.
3. The Advisory Committee agrees with the Commission that the relevant geographic market for gas gensets with a power above 0.5MW is at least EEA-wide in scope, and probably global.
4. The Advisory Committee agrees with the Commission's conclusion that the proposed concentration will not give rise to a significant impediment of effective competition in the market for gas gensets with power above 0.5MW based on unilateral effects.
5. The Advisory Committee agrees with the Commission's conclusion that the proposed concentration will not give rise to a significant impediment of effective competition in the market for gas gensets with power above 0.5MW based on coordinated effects.
6. The Advisory Committee agrees with the Commission's conclusion that the proposed concentration will not give rise to a significant impediment of effective competition based on the foreclosure of packagers.
7. The Advisory Committee agrees with the Commission's conclusion that the proposed concentration is not likely to result in any anti-competitive impact to the detriment of consumers.
8. The Advisory Committee agrees with the Commission that the notified concentration should therefore be declared compatible with the internal market and the EEA

Agreement pursuant to Articles 2(2) and 8(1) of the EC Merger Regulation and Article 57 of the EEA Agreement.

9. The Advisory Committee recommends the publication of its Opinion in the Official Journal of the European Union.

<u>BELGIË/BELGIOUE</u>	<u>BULGARIA</u>	<u>• ESKÁ REPUBLIKA</u>	<u>DANMARK</u>	<u>DEUTSCHLAND</u>
Mr Dirk Vertongen				Dr. Markus Jankowski

<u>EESTI</u>	<u>ÉIRE-IRELAND</u>	<u>ELLADA</u>	<u>ESPAÑA</u>	<u>FRANCE</u>
	Mr Ibrahim Bah		Mrs. Carmen Calvo Sánchez	Mr Louis-Gabriel Masson

<u>ITALIA</u>	<u>KYPROS/KIBRIS</u>	<u>LATVIJA</u>	<u>LIETUVA</u>	<u>LUXEMBOURG</u>
Ms Luisa Scoricarini				

<u>MAGYARORSZÁG</u>	<u>MALTA</u>	<u>NEDERLAND</u>	<u>ÖSTERREICH</u>	<u>POLSKA</u>
		Mr Joost Maij		

<u>PORTUGAL</u>	<u>ROMANIA</u>	<u>SLOVENIJA</u>	<u>SLOVENSKO</u>	<u>SUOMI-FINLAND</u>
				Ms Kaisa Kokko.

<u>SVERIGE</u>	<u>UNITED KINGDOM</u>
Ms Eva Svalfors	Mr Dimitrios Sinantios
