



## **OPINION**

**of the ADVISORY COMMITTEE on MERGERS**

**given at its meeting of 23 March 2017**

**regarding a draft decision relating to**

**CASE COMP/ M.7962 ChemChina/Syngenta**

**Rapporteur : SLOVENIA**

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### **Operation**

1. The Advisory Committee (8 Member States) agrees with the Commission that the Transaction constitutes a concentration within the meaning of Article 3(1)(b) of the Merger Regulation.

### **Union Dimension**

2. The Advisory Committee (8 Member States) agrees with the Commission that the Transaction has a Union dimension pursuant to Article 1(2) of the Merger Regulation.

### **Product and Geographic Markets**

3. The Advisory Committee (8 Member States) agrees with the Commission's definitions of the relevant product markets for crop protection formulated products, namely with the segmentation of the:
  - 3.1. Markets for herbicides;
  - 3.2. Markets for insecticides;
  - 3.3. Markets for fungicides;
  - 3.4. Markets for plant growth regulators;
  - 3.5. Markets for seed treatment products;
  - 3.6. Markets for post-harvest treatment products;
  - 3.7. Markets for lawn and garden products; and
  - 3.8. Markets for nutrients.
4. The Advisory Committee (8 Member States) agrees with the Commission's definitions of the following relevant product markets:
  - 4.1. Markets for active ingredients; and
  - 4.2. Markets for raw materials.
5. The Advisory Committee (8 Member States) agrees with the Commission's definitions of the relevant geographic markets in relation to:
  - 5.1. Markets for crop protection formulated products;
  - 5.2. Markets for active ingredients; and
  - 5.3. Markets for raw materials.

### Competitive Assessment

6. The Advisory Committee (8 Member States) agrees with the Commission's assessment that the Transaction **would significantly impede effective competition** in several national markets for:
  - 6.1. Fungicides for cereals, fruits, oilseed rape, and vegetables;
  - 6.2. Insecticides for cereals, corn, fruits, oilseed rape, and vegetables;
  - 6.3. Plant growth regulators for cereals;
  - 6.4. Seed treatment products for cereals and sugar beet; and
  - 6.5. Herbicides for cereals, corn, sunflower, and vegetables.
7. The Advisory Committee (8 Member States) agrees with the Commission that the final commitments offered by the Parties on 27 January 2017 eliminate the competition concerns identified by the Commission.
8. The Advisory Committee (8 Member States) agrees with the Commission's assessment that the Transaction **would not significantly impede effective competition** in several national markets for:
  - 8.1. Fungicides for cereals, fruits, oilseed rape, sugar beet, sunflower, and vegetables;
  - 8.2. Insecticides for cereals, corn, fruits, oilseed rape, sunflower and vegetables;
  - 8.3. Plant growth regulators for cereals;
  - 8.4. Seed treatment products for cereals, sunflower, and vegetables;
  - 8.5. Herbicides for cereals, corn, cotton, fruits, oilseed rape, sugar beet, soybean, sunflower, and vegetables;
  - 8.6. Nutrients for fruits
  - 8.7. Lawn and garden products; and
  - 8.8. Post-harvest treatment products for fruits.
9. The Advisory Committee (8 Member States) agrees with the Commission's assessment that the Transaction **would not significantly impede effective competition** in relation to the markets for:
  - 9.1. Active ingredients; and
  - 9.2. Raw materials.
10. The Advisory Committee (8 Member States) agrees with the Commission that, subject to the full compliance with the final commitments offered by the Parties on 27 January 2017, the Transaction would not significantly impede effective competition in the internal market or in a substantial part of it.

### Compatibility with Internal Market

11. The Advisory Committee (8 Member States) agrees with the Commission that the Transaction should be declared compatible with the internal market and the functioning of the EEA Agreement in accordance with Article 2(2) and 8(2) of the Merger Regulation and Article 57 of the EEA Agreement.

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