



Final Report of the Hearing Officer¹

Essilor / Luxottica

(COMP/M.8394)

1. On 22 August 2017, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings² (the "Merger Regulation") by which the undertakings Essilor International (Compagnie Générale d'Optique) S.A. ("Essilor") and Luxottica Group S.p.A. ("Luxottica") enter into a full merger within the meaning of Article 3(1)(a) of the Merger Regulation (the "Proposed Transaction"). Essilor and Luxottica are designated hereinafter as the "Parties".
2. On 26 September 2017, the Commission adopted a decision initiating proceedings pursuant to Article 6(1)(c) of the Merger Regulation to which the Parties submitted their response on 7 October 2017.
3. On 17 October 2017, the Parties requested an extension of the legal deadline by ten working days pursuant to Article 10(3) of the Merger Regulation. On 31 October 2017 the Commission adopted a decision under Article 11(3) of the Merger Regulation, requiring Luxottica to supply certain information which the Commission had requested on 9 October 2017, pursuant to Article 11(2) of the Merger Regulation and which Luxottica had failed to submit within the time limit fixed by the Commission. Pursuant to Article 10(4) of the Merger Regulation, this decision also suspended the time limit referred to in Article 10(3) of the Merger Regulation until the Commission would receive the required information. The deadline suspension ended on 7 November 2017, following Luxottica's submission to the Commission of the sought information.
4. On 19 December 2017 Essilor submitted to the Commission a number of documents which it had inadvertently excluded from its response to the Commission's request for information ("RFI") dated 3 October 2017. On 21 December 2017, the Commission, with the agreement of the Parties, extended the time limit of the proceedings by ten working days pursuant to Article 10(3) of the Merger Regulation, in order to allow it to assess whether Essilor answered this RFI fully and satisfactorily.
5. Two competitors of the merging entities, Hoya Corporation and Rodenstock GmbH, having demonstrated a "sufficient interest" within the meaning of Article 18(4) of the Merger Regulation, have been admitted as interested third persons. These interested

¹ Pursuant to Articles 16 and 17 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings, OJ L 275, 20.10.2011, p. 29 ("Decision 2011/695/EU").

² OJ L 24, 29.1.2004, p. 1.

third persons confirmed that they received sufficient information from the Commission about the nature and subject-matter of the procedure to make known their views.

6. The Commission did not issue a statement of objections pursuant to Article 13(2) of Commission Regulation (EC) No 802/2004.³ There was no formal oral hearing in accordance with Article 14 of that regulation.
7. Following its investigation, the Commission concluded that the Proposed Transaction would not significantly impede effective competition in the internal market or in a substantial part of it. The decision therefore declares the Proposed Transaction compatible with the internal market and the EEA Agreement.
8. I have not received any complaint from the Parties or any interested third person about the exercise of their right to be heard. Overall, I consider that the effective exercise of procedural rights has been respected during the present proceedings.

Brussels, 21 February 2018

Joos STRAGIER

³ Commission Regulation (EC) No 802/2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (OJ L 133, 30.4.2004, p.1; corrigendum OJ L 172, 6.5.2004, p. 9).