



Final Report of the Hearing Officer¹

KME / MKM (COMP/M.8909)

1. On 4 June 2018, the Commission received a notification of a proposed concentration (the “Concentration”), according to which KME AG (“KME”) proposed to acquire sole control of MKM Mansfelder Kupfer and Messing GmbH (“MKM”) within the meaning of Article 3(1)(b) of Council Regulation (EC) No 139/2004² (the “Merger Regulation”) by way of purchase of shares. KME and MKM are designated hereinafter as the “Parties”.
2. On 23 July 2018, the Commission adopted a decision initiating proceedings pursuant to Article 6(1)(c) of the Merger Regulation (the “Article 6(1)(c) Decision”). In that decision, the Commission found that the Concentration raised serious doubts as to its compatibility with the internal market and the Agreement on the European Economic Area. On 23 August 2018, the Parties submitted written comments on the Article 6(1)(c) Decision.
3. The results of the in-depth market investigation did not confirm the serious doubts of the previous phase and the draft decision declares the Concentration compatible with the internal market and the Agreement on the European Economic Area. The Commission did not issue a statement of objections pursuant to Article 13(2) of Commission Regulation (EC) No 802/2004³ and there was no formal oral hearing in accordance with Article 14 of that regulation.
4. Five interested third persons were admitted in the present proceedings.
5. Overall, I consider that the effective exercise of procedural rights has been respected during the present proceedings.

Brussels, 4 December 2018

Joos STRAGIER

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 Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ L 24, 29.1.2004, p. 1).

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)