



OPINION

of the **ADVISORY COMMITTEE on MERGERS**

given at its meeting of 3rd December 2018

**CONCERNING A PRELIMINARY DRAFT DECISION RELATING TO
CASE M.8909 – KME / MKM**

Rapporteur: CYPRUS

Operation

1. The Advisory Committee (7 Member States) agrees with the Commission that the notified operation constitutes a concentration within the meaning of Article 3(1)(b) of the Council Regulation No 139/2004 (the "Merger Regulation").

Union Dimension

2. The Advisory Committee (7 Member States) agrees with the Commission that the notified operation has a Union dimension pursuant to Article 1(3) of the Merger Regulation.

Product Market

3. The Advisory Committee (7 Member States) agrees with the Commission's definitions of the relevant product markets as stated in the draft decision for the purpose of assessing the present operation, in particular:
 - a. the supply of pre-rolled strip;
 - b. the supply of rolled products;
 - c. the supply of sanitary copper tubes

Geographic Market

4. The Advisory Committee (7 Member States) agrees with the Commission's definitions of the relevant geographic markets as stated in the draft decision, in particular:
 - a. The relevant market for the supply of pre-rolled strip is EEA-wide in scope;
 - b. The relevant markets for the supply of rolled products is EEA wide in scope;
 - c. The exact geographic markets for the supply of sanitary copper tubes could be national or EEA-wide, but can be left open;

Competitive Assessment

Horizontal non-coordinated effects

5. The Advisory Committee (7 Member States) agrees with the Commission's assessment on horizontal non-coordinated effects, namely that the Transaction will not significantly impede effective competition in:
 - a. the rolled copper market in the EEA;
 - b. the sanitary copper tubes markets in the EEA as a whole, or in any EEA country;

Vertical non-coordinated effects

6. The Advisory Committee (7 Member States) agrees with the Commission's assessment that the Transaction will not significantly impede competition as a result of vertical effects between pre-rolled strip and rolled copper.

Compatibility with the Internal Market

7. The Advisory Committee (7 Member States) agrees with the Commission's view that the notified concentration should be declared compatible with the internal market and the functioning of the EEA Agreement, in accordance with Articles 2(2) and Article 8(1) of the Merger Regulation and Article 57 of the EEA Agreement.
