

EN

***Case No COMP/M.6734 -
KOCH INDUSTRIES /
GUARDIAN***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 21/11/2012

***In electronic form on the EUR-Lex website under document
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EUROPEAN COMMISSION

Brussels, 21.11.2012
C(2012) 8646 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.6734 - KOCH INDUSTRIES/GUARDIAN
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹**

1. On 23 October 2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Koch Industries, Inc. ("Koch", United States) acquires within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Guardian Industries Corp. ("Guardian", United States) by way of purchase of securities.²
2. The business activities of the undertakings concerned are:
 - for Koch: refined products, chemicals, pulp, paper and wood building products, man-made fibers and intermediate chemicals and polymers, crude oil services, mineral services, energy services, capital services, road and construction materials and chemical technology,
 - for Guardian: worldwide manufacturing of float glass, fabricated glass products and coated injection moulded plastic parts for automotive and other applications, and in North

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

² Publication in the Official Journal of the European Union No C 330, 27.10.2012, p. 15.

America in manufacturing and distributing other building materials for commercial and residential applications.

3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5 (c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.³
4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission

(signed)
Alexander ITALIANER
Director-General

³ OJ C 56, 5.3.2005, p. 32.