



EUROPEAN COMMISSION
DG Competition

***Case M.8302 - KOCH INDUSTRIES / GUARDIAN
INDUSTRIES***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 05/01/2017

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

Brussels, 5.1.2017
C(2016) 59 final

PUBLIC VERSION

To the notifying party

Dear Sirs,

**Subject: Case M.8302 – KOCH INDUSTRIES / GUARDIAN INDUSTRIES
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

1. On 1 December 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which Koch Industries, Inc. (United States) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Guardian Industries Corp. (United States) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for Koch Industries, Inc.: refining, chemicals and biofuels, forest and consumer products, fertilizers, polymers and fibers, electronic components, process and pollution control equipment and technologies, commodity trading, minerals, energy, ranching, and investments.
 - for Guardian Industries Corp.: worldwide in manufacturing float glass, fabricated glass products and coated injection moulded plastic parts for automotive and other applications, and in the United States distributing building materials for commercial and residential applications.

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 OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

³ Publication in the Official Journal of the European Union No C 457, 8.12.2016, p. 14.

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) and 5(d) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
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 and Article 57 of the EEA Agreement.

For the Commission

(Signed)
Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.