



EUROPEAN COMMISSION

Hearing Officer for competition proceedings

Brussels, 8 December 2020

Final Report of the Hearing Officer¹

Case M.9730 – FCA/PSA

On 8 May 2020, the Commission received a notification pursuant to Article 4 of the Merger Regulation² of a proposed concentration by which Peugeot S.A. ('PSA') and Fiat Chrysler Automobiles N.V. ('FCA') (together 'the Notifying Parties') would enter into a merger within the meaning of Article 3(1)(a) of the Merger Regulation (the 'Proposed Transaction').

On 17 June 2020, the Commission initiated proceedings pursuant to Article 6(1)(c) of the Merger Regulation ('Article 6(1)(c) Decision').

On 30 June 2020, the Notifying Parties submitted written comments on the Article 6(1)(c) Decision.

On 20 July 2020, the Commission adopted a decision pursuant to Article 11(3) of the Merger Regulation, requiring the Parties to supply information that had been the object of two earlier requests for information. This decision suspended the time limit referred to in Article 10(3) of the Merger Regulation, pursuant to Article 10(4) of the Merger Regulation.

On 25 September 2020, the Notifying Parties submitted commitments in accordance with Article 8(2) of the Merger Regulation in order to address the competition concerns identified by the Commission.

On 28 September 2020, the Commission launched a market test of these commitments.

On 30 September 2020, the Commission informed the Notifying Parties that the suspension of the time limit had come to an end on 28 September 2020, following the Parties' submission of the required information on that date.

On 27 October 2020, the Notifying Parties submitted revised commitments pursuant to Article 8(2) of the Merger Regulation.

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 on the control of concentrations between undertakings, OJ L 24, 29.1.2004, p. 1 ('Merger Regulation').

The draft decision declares the Proposed Transaction compatible with the internal market and the EEA Agreement, subject to full compliance with the revised commitments.

Overall, I consider that the effective exercise of procedural rights has been respected during the present proceedings.

Wouter WILS
Hearing Officer