

Prior notification of a concentration
(Case COMP/M.6734 — Koch Industries/Guardian)

Candidate case for simplified procedure

(Text with EEA relevance)

(2012/C 330/08)

1. On 23 October 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ 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. 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 America in manufacturing and distributing other building materials for commercial and residential applications.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the EC Merger Regulation ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6734 — Koch Industries/Guardian, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

⁽²⁾ OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').