

**Final report of the Hearing Officer in case COMP/38.359 — Electrical and mechanical carbon and graphite products**

**(pursuant to Article 15 of Commission Decision 2001/462/EC, ECSC of 23 May 2001 on the terms of reference of Hearing Officers in certain competition proceedings (OJ L 162, 19.6.2001, p. 21))**

(2004/C 102/06)

(Text with EEA relevance)

The draft decision gives rise to the following observations on the right to be heard:

Following the denunciation of the cartel by Morgan Crucible Company plc, the Commission initiated proceedings on 23 May 2003 and adopted a Statement of Objections against the following undertakings, C. Conradty Nürnberg GmbH, Hoffmann & Co. Elektrokohle AG, Le Carbone Lorraine SA, Morgan Crucible Company plc, Schunk GmbH and Schunk Kohlenstofftechnik GmbH, jointly and severally and SGL Carbon AG.

All parties submitted written replies to the objections within the time allowed. They did not substantially contest the facts.

The companies were given access to file by means of CD-ROMs.

An oral hearing took place on 18 September 2003 to which Morgan and Conradty did not attend.

In view of the replies given by the companies in writing and at the hearing, the duration of Hoffmann's participation in the infringement has been reduced.

This case has not given rise to procedural issues so far as the right to be heard is concerned. I also believe that the draft decision deals only with objections in respect of which the parties have been afforded the opportunity of making their views known.

Done at Brussels, 25 November 2003.

Serge DURANDE

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