

**Final report of the Hearing Officer in Case COMP/M.2621 — SEB/Moulinex**

**(pursuant to Article 15 of Commission decision 2001/462/3C, 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)**

(2005/C 134/06)

On 13 November 2001 the Commission received notification, under Article 4 of Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings ('the Merger Regulation'), of a transaction whereby a part of the assets of the French company Moulinex was to be acquired by another French company, SEB. On 8 January 2002 the Commission decided not to oppose to the transaction notified and to declare it compatible with the common market and the EEA Agreement, subject to compliance with certain commitments which formed an integral part of the decision. This decision, adopted under Article 6(1)(b) and Article 6(2) of the Merger Regulation, authorised the transaction with respect to its effects outside France. The French authorities had requested that part of the case be referred to them, and by a decision likewise adopted on 8 January 2002, under Article 9 of the Merger Regulation, the Commission referred the French aspects of the case to the French authorities.

On 3 April 2003 the Court of First Instance annulled the Commission's authorising decision with respect to five countries where no remedies had been required (Spain, Finland, Italy, the United Kingdom and Ireland). The Commission then reopened the first phase of investigation.

In accordance with Article 10(5) of the Merger Regulation, the date on which the notification and the time limits which depend on it now took effect was 3 April 2003.

On 23 May 2003 the Commission concluded that the commitments offered by SEB did not overcome the serious doubts as to the compatibility of the transaction with the common market, and decided to initiate formal proceedings under Article 6(1)(b) of the Merger Regulation.

Those proceedings were suspended on 19 June 2003 by a decision under Article 11 of the Merger Regulation. SEB supplied a full reply, and the proceedings resumed on 1 August 2003. The time limit for a decision under Article 8 of the Merger Regulation is consequently 25 November 2003. The conclusion from the detailed market surveys now carried out is that no commitments other than those entered into in the earlier proceedings were needed in order to prevent the creation or strengthening of a dominant position. For this reason no statement of objections has been sent to the parties.

I consider that the undertakings' right to be heard has been respected in this case.

Brussels, 4 November 2003

Serge DURANDE

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