

Final report of the Hearing Officer in case COMP/M.4215 — Glatfelter/Crompton Assets

(pursuant to Articles 15 and 16 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)

(2007/C 131/04)

On 4 April 2006 Germany requested a referral of the case to the Commission pursuant to Article 22(1) of Council Regulation (EC) No 139/2004 (*Merger Regulation*). In accordance with Article 22(2) of the Merger Regulation the Commission informed the competent authorities of the other Member States and the undertakings concerned of the request. The referral request was joined by the United Kingdom. On 15 May 2006 the Commission decided to accept the request to examine the concentration and informed the Member States and the undertakings of its decision.

Subsequently, on 16 August 2006, the Commission received a notification of the proposed concentration by which P.H. Glatfelter Company acquires sole control of the Lydney Business of J.R. Crompton Ltd in administration, by way of purchase of assets.

After examining the notification the Commission concluded that the notified transaction fell within the scope of the Merger Regulation and that it raised serious doubts as to its compatibility with the common market and the functioning with the EEA Agreement. Accordingly, on 20 September 2006, the Commission decided to initiate proceedings in accordance with Article 6.1(c) of the Merger Regulation.

Following an in-depth market investigation carried out by the Commission services it was concluded that the proposed transaction would not significantly impede effective competition in the common market or a substantial part of it, in particular as a result of the creation or strengthening of a dominant position, and is therefore compatible with the common market and the EEA Agreement. Accordingly, no Statement of Objections was sent to the parties.

No queries or submission have been made to the Hearing Officer by the parties or any other third party. The case does not call for any particular comments as regards the right to be heard.

Brussels, 7 December 2006.

Karen WILLIAMS
