

Final Report of the Hearing Officer in Case COMP/M.4381 — JCI/VB/FIAMM

(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)

(Text with EEA relevance)

(2009/C 241/05)

On 26 October 2006, the Commission received a notification of a proposed concentration by which VB Autobatterie GmbH ('VB', Germany), an undertaking jointly controlled by Johnson Controls Inc. (USA) and Robert Bosch GmbH (Germany), acquires sole control of the automotive starter battery business of FIAMM SpA. ('FIAMM SBB', Italy).

Upon examination of the notification, the Commission concluded that the notified operation raised serious concerns as to its compatibility with the common market, and decided to initiate proceedings pursuant to Article 6(1)(c) of Council Regulation (EC) No 139/2004 on 4 December 2006.

Access to key documents was provided to the notifying party on 6 December 2006 and 12 December 2006, in accordance with paragraph 45 of DG Competition's Best Practices on the conduct of EC merger control proceedings.

The Commission sent a Statement of Objections to VB on 12 February 2007, to which VB and FIAMM each replied on 26 February 2007. The parties did not request a formal oral hearing.

VB was granted access to file upon issuance of the Statement of Objections. Further access to the results of the market investigation was granted throughout the procedure.

On 8 March 2007, the notifying party offered commitments designed to meet the competition concerns identified by the Commission in the Statement of Objections, and subsequently submitted a revised proposal for commitments on 29 March 2007.

In the light of the Commitments offered by the notifying party, the Commission has concluded that the proposed concentration does 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, subject to the conditions set out in the Annex to the draft Decision.

In the light of the above, I consider that the rights to be heard of all participants to the present proceeding have been respected.

Brussels, 19 April 2007.

Karen WILLIAMS
