

**Final Report of the Hearing Officer <sup>(1)</sup>**  
**Marine Harvest/Morpol (Article 14(2) proc.)**  
**(M.7184)**  
(2014/C 455/04)

1. The draft decision pursuant to Article 14(2) of the Merger Regulation <sup>(2)</sup> concludes in substance that Marine Harvest ASA ('Marine Harvest'), by implementing a transaction amounting to the acquisition of sole control of Morpol ASA ('Morpol') before notifying it to the European Commission, infringed the prior notification requirement and the 'standstill obligation' that follow respectively from Articles 4(1) and 7(1) of the Merger Regulation.
2. Marine Harvest notified its acquisition of sole control over Morpol to the Commission on 9 August 2013. By decision of 30 September 2013, the Commission declared that concentration compatible with the common market, subject to the commitments offered by Marine Harvest. That decision alluded to the possibility of a separate procedure relating to the possible infringement of Articles 4(1) and 7(1) of the Merger Regulation <sup>(3)</sup>.
3. By letter of 30 January 2014, the Commission informed Marine Harvest of its ongoing investigation into these possible infringements and of the opening of a separate case file related to that investigation.
4. On 31 March 2014, the Commission adopted a Statement of Objections (the 'SO'), in which it set out its preliminary view that Marine Harvest had infringed Articles 4(1) and 7(1) of the Merger Regulation.
5. In the letter accompanying the SO, the Directorate-General for Competition ('DG Competition') offered Marine Harvest the opportunity of obtaining access to the Commission's file.
6. At Marine Harvest's request, DG Competition extended the time limit for replying to the SO from 24 April 2014 to 30 April 2014. Marine Harvest responded to the SO on 30 April 2014.
7. A formal oral hearing took place on 6 May 2014. It was attended by Marine Harvest and its legal advisers, officials from the Commission departments and services involved in the case, and representatives of the competition authorities of eight EU Member States.
8. Pursuant to Article 16 of Decision 2011/695/EU, I have examined whether the draft decision deals only with objections in respect of which Marine Harvest has been afforded the opportunity of making known its views. I conclude that it does.
9. Overall, I consider that the effective exercise of procedural rights has been respected during the present proceedings.

Brussels, 10 July 2014.

Wouter WILS

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<sup>(1)</sup> Pursuant to Articles 16 and 17 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings (OJ L 275, 20.10.2011, p. 29) ('Decision 2011/695/EU').

<sup>(2)</sup> Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ L 24, 29.1.2004, p. 1) (the 'Merger Regulation').

<sup>(3)</sup> Decision of 30 September 2013 in Case M.6850 *Marine Harvest / Morpol*, paragraph 9.