COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 03.09.1998
COM(1998) 510 final

COMMISSION REPORT TO THE COUNCIL AND THE EUROPEAN PARLIAMENT ON THE APPLICATION OF THE

Agreement between the European Communities and the Government of the United States of America regarding the application of their competition laws

1 January 1997 to 31 December 1997

COMMISSION REPORT TO THE COUNCIL AND THE EUROPEAN PARLIAMENT ON THE APPLICATION OF THE

Agreement between the European Communities and the Government of the United States of America regarding the application of their competition laws

1 January 1997 to 31 December 1997

1. INTRODUCTION

On 23 September 1991 the Commission concluded an Agreement with the Government of the United States of America regarding the application of their competition laws[1] ("the 1991 Agreement"), the aim of which is to promote cooperation between the competition authorities. By a joint decision of the Council and the Commission of 10 April 1995[2] the Agreement was approved and declared applicable from the date it was signed by the Commission.

On 8 October 1996 the Commission adopted the first report on the application of the Agreement for the period of 10 April 1995 to 30 June 1996[3]. The second report completes the 1996 calendar year, covering the period of 1 July 1996 to 31 December 1996[4]. The present report covers the calendar year from 1 January 1997 to 31 December 1997. This report should be read in conjunction with the first report which sets out in detail the benefits, but also the limitations of this kind of cooperation.

---

1 *Agreement between the Government of the United States of America and the Commission of the European Communities regarding the application of their competition laws* (OJ L 95, 27.4.95, pp.47 and 50)

2 See OJ L 95, 27.4.95, pp.45 and 46.

3 Com(96) 479 final, see XXVIth Report on Competition Policy, pp. 299-311.

4 Com(96) 346 final, see XXVIth Report on Competition Policy, pp. 312-318.

2. MAIN AREAS OF COOPERATION UNDER THE 1991 AGREEMENT

Case specific EC/US cooperation pursuant to the provisions of the 1991 Agreement is carried out in the following main areas:

° notification of cases handled by the competition authorities of one party, when these cases concern important interests of the other Party (Article II), and exchange of information on general matters relating to the implementation of the competition rules (Article III);

The exchange of basic information in the form of notification, or in less formal ways, is the clearest obligation stemming from the agreement. The agreement provides for an alert system whereby each party notifies its partner when it deals with cases which may affect important interests of the latter. Successive notifications may occur in the same case: e.g. in a merger case we shall notify at the outset of the case, then, when appropriate, when the Commission decides to initiate proceedings and, eventually, " far enough in advance ...to enable the other Party's views to be taken into account", before a final decision is adopted.

° coordination of the actions of both Parties' competition authorities (Article IV);

Provisions on coordination of enforcement activities are also very important. In all cases of mutual interest it has become the norm to establish contacts at the outset in order to exchange views and, when appropriate, to coordinate enforcement activities. The respective approaches on the definition of relevant markets are very often central to the discussions. The parties will often exchange views on possible remedies in order to ensure that they do not conflict. Cooperation may also, in certain cases, help to clarify a point of foreign law relevant to the interpretation of an agreement or to the effectiveness of a remedy. Factual elements relevant to the case are also exchanged within the limits of legal constraints on the protection of confidential information. Cooperation under this heading has recently involved a successful synchronisation of investigations and searches[5]. This is designed to make fact-finding action more effective. It also helps prevent companies suspected of cartel activity from destroying evidence located in the territory of the agency investigating the same conduct after its counterpart on the other side of the Atlantic has acted.

° so-called "traditional comity" provisions by virtue of which each Party undertakes to take into account the important interests of the other Party when it takes measures to enforce its competition rules (Article VI);

The parties are, for instance, within the realm of traditional comity when they cooperate in a certain case to bring their respective positions and remedies closer to each other in order to avoid creating a harmful effect to the market of the partner. Each party may draw the attention of the partner to its concerns in a certain case. This may open a new trail for the partner's investigation and lead to

---

[5] The case is still pending and can not, at this stage, be included in this report for reasons of confidentiality. Details of EC/US cooperation on this case will be included in the first annual report following the closure of the case.

a final result taking the other party's interests into consideration in a more appropriate way.

- so-called "positive comity" provisions by virtue of which either party can invite the other Party to take, on the basis of the latter's legislation, appropriate measures regarding anti-competitive behaviour implemented on its territory and which affects the important interests of the requesting Party (Article V).

  Activation of the positive comity provision was felt appropriate for the first time in a recent case. The US authorities requested the Commission to investigate specific allegations of discrimination regarding the operation of a computerised reservation system (Amadeus) set up by Lufthansa, Air France and Iberia. The Commission is currently investigating the case in close cooperation with the DoJ.

- the Agreement makes clear that none of its provisions may be interpreted in a manner which is inconsistent with the legislation in force in the European Union and the United States of America (Article IX).

3. RULES REGARDING THE PROTECTION OF CONFIDENTIALITY

Currently the most intensive case related[6] cooperation between the European Commission and competition authorities in third countries is carried out either on the basis of specific bilateral agreements (1991 EC/US Competition Cooperation Agreement[7]; and in the near future: Proposed EC/US Positive Comity Agreement[8], Draft EC/Canadian Competition Cooperation Agreement), or under the 1995 OECD Recommendation[9].

All these instruments provide explicitly[10] under the heading "Confidentiality and Use of Information" that:

> "... neither Party is required to disclose information to the other Party where such disclosure is prohibited by the laws of the Party possessing the information or would be incompatible with that Party's important interests."

The first and (up to now) most comprehensive clarification regarding the scope of the protection of confidential information is contained in the "Statement on

---

6 It is mainly the cooperation regarding specific pending cases which can give rise to issues of protection of confidential information.

7 Agreement between the Government of the United States of America and the European Communities regarding the application of their competition laws (OJ L 95, 27.4.95, pp. 47-50 as corrected by OJ L 131\38 of 15.6.95).

8 COM (97) 233.

9 Revised Recommendation of the Council concerning Cooperation between Member Countries on Anticompetitive Practices affecting International Trade, 27 and 28 July 1995 - C(95)130.

10 i) Article VIII of the 1991 EC/US Agreement, ii) Article V of the Proposed EC/US Positive Comity Agreement, iii) Section 10 of the Draft EC/Canadian Agreement, and iv) Section 10 of the Guiding Principles annexed to the 1995 OECD Recommendation.

Confidentiality of Information" made by the Commission to the Council during the adoption on 10.04.1995 of the Joint Council and Commission Decision regarding the entry into force of the 1991 EC/US Agreement.

In this Statement the Commission distinguishes between two types of information which may, under different circumstances, be considered confidential.

First, information acquired by the Commission and the authorities of the Member States in the course of an investigation and which is of the kind covered by professional secrecy is subject to Article 20 of Council Regulation 17/62 and to similar provisions in the equivalent implementing Regulations. Essentially, this refers to information which is not in the public domain and which may be discovered during the course of an investigation or which may be voluntarily notified to the Commission under Regulation 17/62 or in reply to a request for information. This information also includes business or trade secrets. Such information is not be disclosed to the US antitrust authorities save with the express agreement of the source concerned.

Second, there is information which relates to the conduct of an investigation or the possible conduct of an investigation and which is not subject to Article 20 of Regulation 17/62 or to similar provisions in the equivalent implementing Regulations. Such information includes the fact of the investigation taking place, the subject-matter of the investigation (for example, an agreement on prices or sharing out of markets or abuse of a dominant position, such as tied selling or discriminatory prices), the identity of the undertaking being investigated and the steps which it is proposed to take in the course of the investigation. This information is kept confidential to ensure the proper handling of the investigation. However, it may be communicated to the US competition authorities as these are obliged to maintain the confidentiality of the information under the terms of Articles VIII and IX of the Agreement and by the exchange of letters between the parties.

As regards the notifications carried out between the two Parties (under Article II(4) of the 1991 Agreement), these notifications do not include either the draft statement of objections, or any other confidential element. The undertakings concerned are informed of the existence of such notifications, at the latest when the statement of objections is issued.

In general it must be noted that, where it is appropriate to provide confidential information to the US antitrust authorities in order to keep them informed of a development in a specific case, the consent of the source of that information must be obtained by the means of a waiver. Community law provides a high level of protection to confidential information provided to the Commission, and it will be necessary that any consent obtained is sufficient to discharge the Commission from its obligation of confidentiality as provided by general principles of Community Law, the case law of the European Court of Justice and Article 20 of Regulation No. 17.

The envisaged EC/US Positive Comity Agreement, makes it clear that information provided under these instruments may only be used for their implementation unless the competition authority that provided the information has consented to another use. A further safeguard is provided to those who have consented to certain confidential

information being disclosed, in that such information may not be used for any other purpose unless the competition authority and the source of the information consent.

4. RULES REGARDING TRANSPARENCY

Member States are kept informed of cooperation activities under the 1991 EC/US Agreement in accordance to the "Statement on Transparency" made by the Commission to the Council during the adoption on 10.04.1995 of the Joint Council and Commission Decision regarding the entry into force of the 1991 EC/US Agreement.

Pursuant to this Statement the Commission forwards to the Member State or Member States whose interests are affected the notification sent by the Commission or received from the US competition authorities under the 1991 EC/US Agreement. Member States are notified as soon as is reasonably possible in the language of the exchange. Where the Commission sends information to the US authorities, Member States are notified at the same time.

The Commission also notifies the Member State or Member States whose interests are affected of any cooperation or coordination of enforcement activities, as soon as is reasonably possible.

It is considered that the interests of a Member State are affected where the enforcement activities in question:

- are relevant to the enforcement activities of the Member State;
- involve anticompetitive activities (other than a merger or acquisition) carried out in the Member State's territory;
- involve a merger or acquisition in which one or more of the parties to the transaction, or a company controlling one or more parties to the transaction, is a company incorporated or organized under the laws of the Member State;
- involve conduct believed to have been required, encouraged or approved by the Member State;
- involve remedies that would, in significant respects, require, or prohibit conduct in the Member State's territory.

In addition, at least twice a year at meetings of government competition specialists, the Commission will inform all the Member States about the implementation of the Agreement, and particularly about the contacts which have taken place with the US authorities as regards the forwarding to the Member States of information received by the Commission under the Agreement.

5. CASE SPECIFIC COOPERATION WITHIN 1997

The cases listed below are those which fall directly under the EC/US Agreement. Some cases in the aviation sector for example, are dealt with by another Agency, the US Department of Transportation (the DoT). The DoT does not formally cooperate with the Commission directly, but does do so indirectly, through the DoJ. There are therefore

informal contacts between the Commission and the DoT. These cases are not discussed in this report.

5.1 Statistical information

a) Number of cases notified by the Commission and by the US

There were the total of forty-two notifications made by the Commission during the period between 1 January 1997 and 31 December 1997. The cases are divided into merger and non-merger cases and are listed in the **Annex 1**.

The Commission received the total of thirty-six notifications from the US authorities during the same period. Twenty-four were received from the US Department of Justice ("the DoJ") and twelve from the US Federal Trade Commission ("the FTC"). A list of these cases is found in the **Annex 2**, again broken down in merger and non-merger cases.

Merger cases made up the majority of all notifications in both directions. There were thirty-one merger notifications by the Commission and twenty by the US authorities.

The figures given represent the number of cases in which one (or more) notifications took place and not the total number of individual notifications. Under Article II of the Agreement, notifications are made at certain stages of the procedure and so several notifications may be made concerning the same case. For instance, in the *Boeing/McDonnell Douglas* case the Commission sent seven notifications to the US authorities and received six notifications from the FTC on the same case.

Table 1 sets out in figures the number of cases notified under the 1991 EC/US Agreement during the period of 1 January 1997 to 31 December 1997. *Table 2* sets out in figures the number of cases notified since 23 September 1991.

Table 1

CASES NOTIFIED

Year	**No. of EC notifications**	**No. of US notifications**		**No. of merger notifications**	
		FTC	DoJ		
1997	42	12	24	30 (EC)	20 (US)

***

Table 2

CASES NOTIFIED

Year	No. of EC notifications	No. of US notifications		No. of merger notifications
		FTC	DoJ	
1991	5	10	2 (=12)	3 (EC) + 9 (US)
1992	26	20	20 (=40)	11 (EC) + 31 (US)
1993	44	22	18 (=40)	20 (EC) + 20 (US)
1994	29	16	19 (=35)	18 (EC) + 20 (US)
1995	42	14	21 (=35)	31 (EC) + 18 (US)
1996	48	20	18 (=38)	35 (EC) + 27 (US)
1997	42	12	24 (=36)	30 (EC) + 20 (US)

b) Notifications by the Commission to Member States

The text of the interpretative letter sent by the European Communities to the US (as well as the Statement on Transparency made by the Commission to the Council on 10 April 1995, see point 4 above) provides that the Commission, after notice to the US Competition authorities, will inform the Member State or Member States, whose interests are affected, of the notifications sent to it by the US antitrust authorities. Thus, when notifications are received from the US Authorities, they are forwarded immediately to the relevant units of DG IV and at the same time copies are sent to the Member States, if any, whose interests are affected. Equally, at the same time that DG IV makes notifications to the US authorities, copies are sent to the Member State(s) whose interests are affected.

In most instances, the US authorities also notify the Member States directly, under the OECD Recommendation[11]. During the period under review 24 cases were notified to the United Kingdom, 21 to Germany, 10 to France, 9 to the Netherlands, 2 to Denmark, 2 to Finland, 2 to Italy and 1 to Portugal and Spain each.

[11] Revised recommendation of the OECD Council concerning cooperation between Member countries on anti-competitive practices affecting international trade, adopted 27/28 July 1995

5.2 Substantive aspects of case-specific cooperation[12]

During the year 1997 cooperation between the Commission's officials and their counterparts in the United States continued to be productive. The 1991 Agreement offers a framework for a meaningful and useful cooperation regarding competition cases of mutual interest to the two sides. This type of cooperation and coordination of enforcement activities has been beneficial to both competition authorities and companies involved.

a) The Boeing/MDD merger[13]

EC/US cooperation in the Boeing/MDD merger was particularly intensive.

The US Department of Defense and Department of Justice, on behalf of the US Government, informed the European Commission of concerns that (i) a decision prohibiting the proposed merger could harm important US defence interests, (ii) despite any measures the Commission could impose on a third party purchaser, a divestiture of Douglas Aircraft Company (DAC, the civil aircraft branch of McDonnell Douglas) would be likely to be unsuccessful in preserving DAC as a stand alone manufacturer of new aircraft, resulting in an inefficient disposition of whatever of DAC's new aircraft manufacturing operations that potentially could be salvaged by Boeing, and in the loss of employment in the United States, and (iii) any divestiture of DAC to a third party that would not operate DAC as a manufacturer of new aircraft would be anticompetitive in that it would create a firm with the incentive and means to raise price and diminish service in respect of the provision of spare parts and service to DAC's fleet-in-service, a large portion of which is owned by US airlines.

The Commission took the above concerns into consideration to the extent consistent with Community law. In particular, as far as US defence interests were concerned, the Commission has limited the scope of its action to the civil side of the operation. The Commission has not pursued further the concerns it expressed in its Statement of Objections concerning the effect of the concentration on the international market for fighter aircraft. As far as DAC is concerned, the Commission has not considered a divestiture as a remedy to resolve the competition problems created by the concentration.

Although this case had its own difficulties, the authorisation under the conditions put forward by the Commission at the end of its investigation ensured that effective competition was maintained on the market for large commercial aircraft.

---

12 This report concentrates on aspects of case handling related to the EC/US cooperation. For more information on a particular case see the XXVIIth Report on Competition Policy.

13 For more details on this case see among other sources: A.Schaub, "International cooperation in antitrust matters: making the point in the wake of the Boeing/MDD proceedings", Competition Policy Newsletter, nr. 1/1998 (February), pp. 2-6.

b) Cooperation in other major cases

i) Aspects related to the product market

Discussions between the case handlers frequently focus on the product market to determine whether both sides have arrived at similar conclusions. These discussions are based on general information which is publicly available. Undoubtedly these kind of exchanges have disclosed a high degree of similarity between the market analyses of the Commission and the US authorities.

This is very important, given the need to have meaningful exchanges while observing the rules on confidentiality. If the Commission and the US authorities took different initial views on market definition, it might not be possible to explore fully the reasons for the different approaches without discussing confidential information which the parties had provided. Under our present rules this could only be done with the agreement of the parties.

There were frequent contacts between EC officials and the Department of Justice in the course of the investigation of the then proposed *BT/MCI* merger. Meetings between the two sides were held in both Washington and Brussels. Because the case required assessment of product markets related to the offering of transatlantic telephony services, and in particular consideration of the impact of the merger against the background of international accounting rate arrangements, the discussions between the two sides were helpful not only in terms of refining market definitions, but also in pooling knowledge about the regulatory background on each side of the Atlantic.

Also in the *Guinness/Grand Metropolitan* case there was a good deal of discussion between Commission officials and their opposite numbers in the United States regarding the different relevant product markets which led to compatible remedies.

In the *Santa Cruz/Microsoft* case there were no differences of opinion on market definition. Also in the *Boeing/McDonnell Douglas* case both the FTC and the Commission reached the same product market definition of "large commercial aircrafts". After exchanging views on how to define markets for PET film and Titanium Dioxide in the *DuPont/ICI* case, certain potential differences were noticed both on demand side and on supply side substitutability in the US and in the EC.

Although the EC and US authorities used sometimes different product market definitions for their respective assessments, the contacts between them served the purpose of allowing each to understand the thinking of the other, and to refine their analyses accordingly. Close cooperation allowed the two sides to avoid conflicting decisions.

ii) Aspects related to the geographical market

Discussion of the geographical market tends to be more limited, as usually the Commission and the US authorities are concentrating on the competitive effects of the behaviour or transaction on their own markets, even in cases where the activity under investigation is organized on a transatlantic or worldwide scale.

However, in the *Boeing/MDD* and the *GE Aircraft Engines/Pratt & Whitney* cases the same geographical market definition of global market was retained by both sides. In the case of *DuPont/ICI* there was an exchange of views on whether the US and EC markets for both products, PET and Titanium Dioxide, should be regarded as distinct or comprised within a world-wide dimension.

iii) Aspects related to the anti-competitive effects

In the *Santa Cruz/Microsoft* case general discussion established that the Commission and its US counterpart at the staff level had largely similar views of the facts. The *Guinness/Grand Metropolitan* case was a good example of complementary analyses of anticompetitive effects. In that case agreement on market definition led to agreement on competitive effects and ultimately to a common remedy.

Commission/FTC consultations led each side to take greater account of concerns raised by the other concerning the potential anticompetitive effects of the merger. The FTC took a more critical view of Boeing's exclusive agreements as its investigation progressed.

iv) Ascertaining law and fact in the other jurisdiction

Jurisdiction to deal with a specific case was not challenged from either the US or the Commission's side. Exchanges of information and discussions took place in cases where jurisdiction for one authority or the other was not beyond doubt.

Close cooperation in the *Santa Cruz/Microsoft* case made evident that the US "rule of reason" approach to restrictions in contracts would make it more difficult to attack the behaviour at issue in the US courts than under EC legal standards. Conversely as regards remedies, an Undertaking given to the Commission is not directly enforceable, in the way that the US consent decree is.

v) Avoiding conflicting remedies

In the *Guinness/Grand Metropolitan* case the parties were prepared, once negotiations had reached a certain point, to allow discussions to take place between the antitrust authorities on the proposed remedies. This was valuable in ensuring an element of coordination which might not otherwise have been possible. In particular it ensured that the remedies finally agreed upon in each of the jurisdictions were consistent with one another.

Although the FTC was not concerned about remedies in the *Boeing/MDD* case, as they would eventually clear the merger, the Commission, which was looking very closely at some form of divestiture of DAC, informed the FTC of such a possibility. However, as the FTC expressed reservations on the feasibility of such a remedy, , and given that the Commission's enquiry showed that there was no potential buyer for DAC, the Commission informed the FTC that it would take into account its concerns and would therefore abandon the idea of DAC's divestiture.

vi) Traditional comity

The Commission notified to the US authorities on 26 June 1997 its preliminary conclusions and concerns in the *Boeing/MDD* case and asked the FTC to take account of the European Union's important interests in safeguarding competition in the market for large civil aircraft. The FTC responded the same day indicating that the FTC would take into account the expressed interests of the European Communities when reaching its decision. On 1 July 1997, the Federal Trade Commission reached a majority decision not to oppose the merger.

vii) Participation of US antitrust authorities in the Commission's hearings

Following requests put forward by the Federal Trade Commission, officials from the US authority were authorised by the Hearing Officer to take part as observers in the public hearings held pursuant to the EC Merger Regulation in the framework of the examination of the *Guinness/Grand Metropolitan* merger. Further the Us Department of Justice requested and was granted attendance (as observer) at the hearing in the Boeing/MDD merger.

6. CONCLUSIONS

The services of the two antitrust authorities on both sides perceive frequent contacts and discussions as particularly useful. They help clarify the understanding of the issues involved. It was considered efficient and useful to have an idea of how the US enforcement agencies intended to respond to certain events in a competition case. Despite the limited amount of information that we are able to exchange, except when waivers are obtained, the Commission and the two US antitrust authorities benefit from being able to behave in a consistent manner, to avoid conflicting decisions and incoherent remedies, and to obtain quicker decisions.

ANNEX 1

NOTIFICATIONS BY THE EUROPEAN COMMISSION TO THE US AUTHORITIES 01.01.1997 - 31.12.1997

Merger cases[14]:

01 Case IV/M.882 - Archer-Daniels-Midland / Grace Cocoa Associates
02 Case IV/M.890 - Blokker/Toys "R" Us
03 Case IV/M.867 - Wagons-Lits/Carlson
04 Case IV/M.846 - Philips/Hewlett-Packard
05 Case IV/M.877 - Boeing/McDonnell Douglas
06 Case IV/M.856 - BT/MCI (II)
07 Case IV/M.905 - Schweizer Rück/S.A.F.R.
08 Case IV/M.833 - The Coca-Cola company/Carlsberg A/S
09 Case IV/M.902 - Warner Bros./Lusomundo/Sogecable
10 Case IV/M.920 - Samsung/AST
11 Case IV/M.915 - Tyco/ADT
12 Case IV/M.906 - Mannesmann /Vallourec
13 Case IV/M.917 - Valinox/Timet
14 Case IV/M.938 - Guinness/Grand Metropolitan
15 Case IV/M.933 - ICI/Unilever
16 Case IV/M.936 - SIEBE PLC/APV PLC
17 Case IV/M.885 - MERCK/RHÔNE-POULENC/MERIAL
18 Case IV/M.951 - CABLE AND WIRELESS/MAERSK DATA-NAUTEC
19 Case IV/M.937 - LEAR/KEIPER
20 Case IV/M.932 - SEHB/VIAG/PE-BEWAG
21 Case IV/M.942 - VEBA/DEGUSSA
22 Case IV/M.941 - ADM/ACATOS & HUTCHESON/SOYA MAINZ
23 Case IV/M.963 - COMPAQ/TANDEM
24 Case IV/M.723 - ALCOA/ELKEM
25 Case IV/M.966 - Philips/Lucent Technologies
26 Case IV/M.954 - BAIN/HOECHST - DADE BEHRING
27 Case IV/M.977 - Fujitsu/Amdahl
28 Case IV/M.984 - DUPONT/ICI
29 Case IV/M.950 - Hoffmann-La Roche/Boehringer Mannheim
30 Case IV/M.1016 - Price Waterhouse/Coopers & Lybrand

---

[14] Due to the confidentiality requirements, this list includes only those investigations or cases which have been made public

ANNEX 1 (continued)

NOTIFICATIONS BY THE EUROPEAN COMMISSION TO THE US AUTHORITIES 01.01.1997 - 31.12.1997

Non-merger cases[15]:

01 Case IV/36.365 - NEC/PB/CMB
02 Case IV/36.213/F - GEAE / P&W
03 Case IV/E-3/36.204 - GENUSA
04 Case IV/36.420 - Microsoft Explorer Licensing
05 Case IV/36.365 - NEC/PB/CMB
06 Case IV/36.382 - Santa Cruz Operation/Microsoft
07 Case IV/36.474 - IBM/STET
08 Case IV/35.969 - Canal+ - GDI - TINTA
09 Case IV/36610/ - Sanofi Pharma Bristol - Myers

[15] Due to the confidentiality requirements, this list includes only those investigations or cases which have been made public

ANNEX 2

NOTIFICATIONS BY US AUTHORITIES TO THE EUROPEAN COMMISSION 01.01.1997 - 31.12.1997

Merger cases[16]

01 The Boeing Comp./McDonnell Douglas Corp.
02 Metal Leve S.A./Mahle GmbH
03 Cargill Inc/Akzo Nobel N.V.
04 Guinness/Grand Metropolitan
05 British Telecommunications/MCI Communications Corp.
06 Corange Ltd./Dr.H.C. Paul Sacher

16 Due to the confidentiality requirements, this list includes only those investigations or cases which have been made public

ANNEX 2 (continued)

Non-merger cases[17]

01 Hoffmann-La Roche, Jungbunzlauer International AG
02 Sodium gluconate investigation
03 International Association of Conference Interpreters
04 SKW Metals & Alloys
05 AIG Trading Corp./BP Exploration & Oil Inc/Cargill International SA
06 HeereMac Offshore Construction Group Inc./HeereMac
07 Graphite electrodes investigation

[17] Due to the confidentiality requirements, this list includes only those investigations or cases which have been made public

ISSN 0254-1475

COM(98) 510 final

DOCUMENTS

EN **08 11 10 17**

Catalogue number : CB-CO-98-517-EN-C

ISBN 92-78-38881-5

Office for Official Publications of the European Communities

L-2985 Luxembourg