



Determination of the Competition Authority

Determination No. M/03/007 of the Competition Authority, dated 28 March 2003, under Section 21 of the Competition Act, 2002

Notification No. M/03/007 –Acquisition by Soros Private Equity Investors LP of PolymerLatex GmbH & Co. KG and PolymerLatex Verwaltungs-GmbH

Introduction

1. On 11 March 2003 the Competition Authority, in accordance with Section 18 (1) of the Competition Act, 2002 (“the Act”) was notified, on a mandatory basis, of a proposal whereby Soros Private Equity Investors LP (“SPEI”) would, through intermediaries, acquire all the limited partnership interests in PolymerLatex GmbH & Co KG and the entire issued share capital of PolymerLatex Verwaltungs-GmbH (“the PolymerLatex Group”) from Bayer AG and Degussa AG.

The Parties

2. SPEI is a member of the Soros Group. It is an investment fund, primarily involved in private equity investments in Western Europe and the United States. Within Ireland, SPEI and its affiliates control* eircom plc and Meteor Mobile Communications Ltd.
3. The PolymerLatex Group is 50% owned by Bayer AG and 50% owned by Degussa AG. The group produces, markets and sells a broad range of lattices (latex), predominantly carpet/moulded foam, paper and specialty lattices.

Analysis

4. As the Soros Group is not active in the production, marketing or sales of latex pre-merger, the proposed transaction would not have a substantial impact on competition.
5. The PolymerLatex Group currently purchases some raw materials and obtains services from its parent companies. These existing supply arrangements will be kept intact post-merger. The proposed transaction will not have a substantial impact on competition in relation to upstream or downstream businesses.



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Determination

The Competition Authority, in accordance with Section 21(2) of the Competition Act, 2002, has determined that, in its opinion, the result of the proposed acquisition will not be to substantially lessen competition in markets for goods and services in the State and, accordingly, that the acquisition may be put into effect.

For the Competition Authority

Terry Calvani
Member of the Competition Authority

28 March 2003



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***ADDENDUM**

In notifying the Competition Authority of this transaction, the parties stated that SPEI and its affiliates control eircom plc and Meteor Mobile Communications Ltd. Subsequent to the Determination being made, the parties have requested the Authority insert this Addendum clarifying the parties initial statement to reflect the fact that while SPEI and its affiliates have joint control of these companies, which constitutes control for the purposes of the Competition Act 2002, they have minority equity interests in those companies.