Control of concentrations between undertakings. EC Merger Regulation

2002/0296(CNS) - 18/06/2009 - Follow-up document

This Communication from the Commission gives account to the Council of the operation of the notification thresholds under Article 1 of the EC Merger Regulation (Council Regulation (EC) No 139 /2004 on the control of concentrations between undertakings) in allocating merger cases between the Community level and the national level and of the referral mechanisms provided for by its Articles 4, 9 and 22. The conclusions of this report are limited to taking stock of the situation to date without proposing any measures. Following this report and considering in particular the reactions of the Council, the Commission may present proposals to revise the notification thresholds or the referral mechanisms.

The Commission concludes that overall, the jurisdictional thresholds and the set of corrective mechanisms provided for by the EC Merger Regulation have provided an appropriate legal framework for allocating cases between the Community level and the Member States. This framework has in most cases been effective in distinguishing cases that have Community relevance from those with a primarily national nexus, in pursuit of the objectives of "one-stop-shop" and the principle of the "more appropriate authority". Notwithstanding this success, there is scope for further improvements of the current system of case allocation in a number of respects as set out in this report.

The Commission invites the Council to take note of the information set out in this report. The Commission also submits this report for information to the European Parliament and the European Economic and Social Committee.