Control of concentrations between undertakings. EC Merger Regulation

2002/0296(CNS) - 20/01/2004 - Final act

PURPOSE : to recast Regulation 4064/89/EEC on the control of concentrations between undertakings. LEGISLATIVE ACT: Regulation 139/2004/EC concerning the control of concentrations between undertakings. CONTENT: The Regulation aims at recasting Council Regulation 4064/89/EEC into legislation designed to meet the challenges of a more integrated market and the future enlargement of the European Union. It confines itself to the minimum required in order to achieve the objective of ensuring that competition in the common market is not distorted, in accordance with the principle of an open market economy with free competition. The main change made to the Commission's proposal is the new test for the appraisal of concentrations which provides that a concentration will be declared incompatible with the common market if it would significantly impede effective competition, in the common market or in a substantial part of it, in particular as a result of the creation or strengthening of a dominant position. As regards multiple transactions, the Council decided against enlarging the competencies of the Commission in this respect as it considered them too burdensome and confusing for enterprises. It decided also to abolish group derogations in general and the possibility of their adoption by the Commission. Regarding ancillary questions, the solution agreed by the Council provides that Commission decisions declaring concentrations compatible with the common market should automatically cover restrictions directly related and necessary to the implementation of the concentration. ENTRY INTO FORCE: 01/05 /2004.