Merger control, green paper (amend. regul. 4064 /89/EEC)

1996/2018(COS) - 10/07/1996 - Economic and Social Committee: opinion, report

Merger control measures must ensure and promote fair and effective competition, with particular emphasis on the requirements of SMEs. Account must also be taken, however, of the need to develop economic and productive structures for the purpose of ensuring ever-greater competitiveness for the overall Community economy on world markets. In any case, Community merger control must be considered within the context of the world economy, in order to take account of an ever-increasingly competitive world situation. The Committee recommends that discussions should not be confined to certain participants. They should involve all the interested parties, and should also deal with the social effects of restructuring the economy. The ESC confirms the validity of the "one-stop shop" principle, which guarantees uniform rules, conditions and criteria for assessment and thus ensures certainty in legal relations, and recommends a modern simplification of the formalities and clearer legislation. The Committee favours a lowering of the thresholds. If agreement cannot be reached on lowering the thresholds to ECU 2 billion (world turnover) and ECU 100 million (Community turnover), an intermediate figure could be considered. At all events, a decision needs to be taken without further delay. If no lowering of the thresholds can be agreed upon, then alternative ways of solving the multiple notification problem (which the Commission is examining in detail) could produce constructive results. The ESC considers it logical that concentrations subject to multiple notifications which are not covered by Article 2 of Regulation 4064/89 be examined at Community level. For this it proposes a range of turnover thresholds to establish the existence of "significant" cross-border effects.