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

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OBJECTIVE: to launch a far-reaching debate, between now and 31 March 1996, with a view to adapting the rules on the monitoring of company mergers in order to bring them into line with the realities of the single market. SUBSTANCE: the Commission Green Paper provides a detailed description of the existing regulatory framework governing the monitoring of mergers both at Community level and within the Member States. It then proposes a set of options to be discussed, which may be summarized as follows: - a reduction in the thresholds at which the Commission assumes exclusive control, namely a worldwide turnover of ECU 2 billion (instead of 5 billion) and a Community-wide threshold of ECU 100 million (instead of ECU 250 million) for each of at least two companies involved; - failing such a reduction in the thresholds, exclusive control by the Commission in the case of mergers lying between the existing thresholds and the new proposed thresholds and which must be notified to several national competition control bodies (problem of multiple notification); - a series of options making it possible to improve the treatment of joint companies which do not fall within the scope of the merger rules but, rather, under the general competition policy rules (Article 85 of the EC Treaty). One possible solution would be to deal with such cases on the basis of the same timescales as in the case of mergers (i.e. a favourable response within one month of notification in uncontested cases and a second period of four months in problematic cases). A number of procedural improvements are proposed, relating to acceptance of commitments in the first phase of investigation. Lastly, proposals are put forward concerning simplification of the method for calculating the turnover of financial and credit institutions and the method used for the geographic allocation of turnover.