Economic concentrations: revision of the Merger Regulation (EEC) No 4064/89. Green Paper

2002/2067(COS) - 04/07/2002 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution drafted by Luis BERENGUER FUSTER (PES, Spain) on the Commission's Green Paper. (Please refer to the document dated 04/06/02.) In view of the need for legal certainties, it stated the following: -Parliament agreed that two of the requirements currently applying should be abolished, namely the requirement that a dominant position must be shown to have been created on a market and that the latter does not from a substantial part of the common market; -the time-limits for requesting a referral should be shortened, though the process could be completed in two weeks if the above-mentioned requirements were abolished; -the Commission should be allowed to refer cases to the Member States on its own initiative, if the notifying parties are agreeable to this; -it is necessary to decide on a case-by-case basis whether a concentration should be referred to a national competition authority when the final decision on the matter rests with the political authorities; -the Member State to which a concentration with a Community dimension has been referred must apply Community law to that concentration; -the Commission must adopt guidelines on the referral criteria , improving transparency and legal certainty. Parliament went on to state that the fundamentals of the Member States' competition legislation must be mutually agreed as soon as possible before enlargement. The candidate countries must be involved. Finally, Parliament expressed its support for the procedural changes regarding the commitments to be entered into by the parties to resolve the competition problems posed by a transaction.