Basic information

1996/0224(CNS) CNS - Consultation procedure Regulation	Procedure completed
Control of concentrations between undertakings (amend. regul. 4064/89 /EEC) Repealed by 2002/0296(CNS) **Subject** 2.60.04 Economic concentration, mergers, takeover bids, holding companies	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	RAPKAY Bernhard (PSE)	24/09/1996

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Culture	2022	1997-06-30
Industry	1962	1996-11-14
Industry	2001	1997-04-24

Key events

Date	Event	Reference	Summary
12/09/1996	Legislative proposal published	COM(1996)0313	Summary
22/10/1996	Vote in committee		Summary
22/10/1996	Committee report tabled for plenary, 1st reading/single reading	A4-0332/1996	
23/10/1996	Committee referral announced in Parliament		
12/11/1996	Debate in Parliament		
14/11/1996	Debate in Council		
30/06/1997	Act adopted by Council after consultation of Parliament		

30/06/1997	End of procedure in Parliament		
09/07/1997	Final act published in Official Journal		

Technical information

Procedure reference	1996/0224(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2002/0296(CNS)
Legal basis	EC Treaty (before Amsterdam) E 087 EC Treaty (before Amsterdam) E 235
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/08299

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0332/1996 OJ C 362 02.12.1996, p. 0004	22/10/1996	
Text adopted by Parliament, 1st reading/single reading		T4-0589/1996 OJ C 362 02.12.1996, p. 0093-0130	13/11/1996	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1996)0313 OJ C 350 21.11.1996, p. 0010	12/09/1996	Summary
Follow-up document	COM(2000)0399	28/06/2000	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1266/1996 OJ C 056 24.02.1997, p. 0071	31/10/1996	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 1997/1310
OJ L 180 09.07.1997, p. 0001 Summary

Control of concentrations between undertakings (amend. regul. 4064/89 /EEC)

1996/0224(CNS) - 30/06/1997 - Final act

OBJECTIVE: to amend Regulation (EEC) No 4064/89 on the control of concentrations between undertakings. COMMUNITY MEASURE: Council Regulation (EC) No 1310/97. CONTENT: the Council only adopted one final text, despite the fact that the European Commission submitted two separate proposals. It should also be noted that the new regulation does not incorporate a major amendment proposed by the Commission, namely the reduction in the thresholds of current worldwide and Community turnover to ECU 3 billion (from the present value of 5 billion) and ECU 150 million (from the current figure of 250 million). The turnover thresholds laid down in article 1 (2) of Regulation (EEC) No 4064/89 therefore remain unchanged. However, the new regulation makes provision for an additional system in the form of new thresholds expressed in terms of the total turnover of the companies in question worldwide, in the Community and in at least three Member States. Thus, for the purposes of the regulation, a merger which does not reach the thresholds laid down in article 1 (2) has a Community dimension if: a) the total worldwide turnover of all the companies concerned exceeds the sum of ECU 2.5 billion; b) the total turnover of all the companies concerned in each of at least three Member States exceeds ECU 100 million; c) the total turnover achieved individually by at least two of the companies concerned in each of at least three Member States included for the purpose of point b) exceeds ECU 25 million and d) the total Community turnover achieved individually by at least two of the companies concerned exceeds the sum of ECU 100 million unless each of the companies concerned achieves over two-thirds of its total Community turnover within one and the same Member State. The other amendments to the 1989 regulation deal mainly with: - cooperative joint ventures: these companies now come within the scope of the merger regulation; - the first phase of the inquiry: during the first stage, the Commission may accept undertakings by the parties to make the concentration compatible with the common market. The first stage is extended to 6 weeks if the companies in question give undertakings. DATE OF ENTRY INTO FORCE: 1 March 1998.

Control of concentrations between undertakings (amend. regul. 4064/89 /EEC)

1996/0224(CNS) - 13/11/1996 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr Bernhard RAPKAY (PSE, D), Parliament approved, without amendments, the Commission proposal amending Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings.

Control of concentrations between undertakings (amend. regul. 4064/89 /EEC)

1996/0224(CNS) - 12/09/1996 - Legislative proposal

OBJECTIVE: extending the scope of merger control applying to undertakings having a Community dimension. SUBSTANCE: the Commission decided to make two separate proposals: - the first proposal relates to the threshold reduction, including the mechanism for multiple national filings, and is based exclusively on Article 1(3) of the Merger Regulation (Council Regulation (EEC) No 4064/89); - the second proposal relates to other aspects of the Merger Regulation and is based on Articles 235 and 87 of the Treaty. 1). First, the Commission proposes a reduction of the current world-wide and Community thresholds to ECU 3 billion and ECU 150 million, while the two-thirds rule remains unchanged. Between these thresholds and lower thresholds of ECU 2 billion and ECU 100 million, only concentrations that qualify for examination in at least three Member States of the Community would also come within the exclusive competence of the Commission. The proposed mechanism for dealing with multiple national filings would apply to all concentrations that (a) fall between the above-mentioned intermediate and lower thresholds and do not meet the two-thirds rule, and (b) qualify for examination, whether on an obligatory or voluntary basis, in at least three Member States of the European Community. The concentration would be deemed to qualify for examination under the national systems mentioned by the parties in the notification, unless the Member States concerned inform the Commission that this is not the case within two weeks from receipt of all relevant facts. The Commission would only verify whether and how the Member States concerned have reacted within the two weeks, and would not itself check whether the national thresholds have actually been met. Phase I would be extended by two weeks. 2). The proposed amendments contained in the second Commission proposal mainly deal with the following aspects: - review of the thresholds: in order to ensure that concentrations with significant cross-border effects continue to be covered by the Community merger control, it is provided that the thresholds establishing the Community dimension of concentrations can be adjusted by the Council acting by a qualified majority on a proposal from the Commission; - referral provisions: where a distinct market within the territory of a Member State does not constitute a substantial part of the common market, the request for referral by this Member State must only demonstrate that the concentration affects such a market. However, no proof of a threat to create or strengthen dominance is required; - joint ventures: the concept of concentration under Article 3 of the Merger Regulation is enlarged so as to include all full-function joint ventures; - banking income: banking income as defined in Directive 86/635/EEC will be used as a basis for calculating the turnover of credit and financial institutions.

Control of concentrations between undertakings (amend. regul. 4064/89 /EEC)

1996/0224(CNS) - 31/10/1996 - Economic and Social Committee: opinion, report

The Economic and Social Committee: -. recognizes the Commission's considerable efforts to propose ways of improving the implementation of the merger regulation, which furthermore has hitherto operated very effectively; -. readily confirms its support for the lowering of the turnover thresholds to ECU 3 billion and ECU 150 million, but has serious doubts about the soundness of the proposed system for extending the scope of the regulation to multiple filings; -. considers that the solution adopted for joint ventures does not resolve the problem of legal certainty in the treatment of cooperative joint ventures; -. endorses the various other alterations already put forward in the green paper.