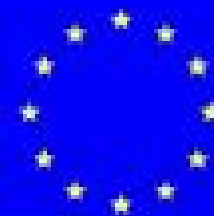


Essentials of the EU Merger Regulation



- ◆ One-stop-shop principle
- ◆ Scope: only mergers with a Community dimension
 - Three cumulative requirements:
 - combined worldwide turnover of more than 5 billion €
 - Community-wide turnover of more than 250 million € of at least 2 undertakings
 - the undertakings concerned do not achieve more than two thirds of their Community-wide turnover within one and the same Member State
- ◆ Mechanism for referral to Member States
- ◆ Objective: maintaining effective competition
- ◆ New test: significant impediment of effective competition, in particular as a result of the creation or strengthening of a dominant position

Ec Merger Control Regulation Ec Merger Control Regulation

**European Commission. Directorate-
General for Competition**



Ec Merger Control Regulation Ec Merger Control Regulation:

EC Merger Control Regulation Mihalis Kekelekis, 2006-01-01 Here for the first time is an in depth analysis of the rights of notifying parties and third parties in merger proceedings as reflected in the administrative practice of the Commission and the case law of the Community courts

Merger Control in the European Union Edurne Navarro Varona, 2005 This second edition of Merger Control in the EU provides the reader with an exhaustive analysis of the European Community rules relating to merger control including the new EC Merger Regulation 139/2004 of 20 January 2004 which entered into force on 1 May 2004 and the latest interpretive notices adopted by the European Commission A brand new addition to the book is the companion website which will maintain the currency of the main work after publication a service that is free of charge to all who own a copy of the book The European Commission has exclusive competence to authorise or prohibit concentrations which have a Community dimension Bearing in mind the economic relevance of these operations decisions made by the Commission have an extraordinary market impact This work is an invaluable and precise instrument for legal practitioners and economists as well as for those undertakings involved in merger operations or acquisitions It will enable them to become acquainted with the Commission's policy in this field and to guide themselves through the complex procedure of notification in Brussels It will also be useful for those merger operations which are required to follow the procedure of notification to the national competition authorities in EU Member States since the Commission's guidelines inspire to a large extent the acts and decisions of the national authorities in this field This book analyses the issues related to merger control not only from a legal standpoint but also from an economic one It is a product of the authors knowledge and experience in Brussels as officials of DG Competition in the Commission and as lawyers defending the interests of undertakings involved in the notification procedure

European Merger Control Catalin Stefan Rusu, 2010-09-17 Twenty years of experience have inevitably brought to light challenges and tensions in the enforcement of the European merger control system Some of these challenges have been faced some have been solved and some remain latent This very valuable study starts from the proposition that the EU has never fully acknowledged those fundamental challenges which relate to the rationale behind merger control in Europe The author shows how the Commission's focus on adapting the rules of merger control to the economic realities of the future business environment although designed with a view to facilitating European integration has compromised attainment of legal certainty transparency and welfare enhancement In its detailed evaluation of the future market structure prediction process embedded in European merger control policy this book approaches two rock bottom far reaching questions In what ways does merger control promote consumer and societal welfare Is the Commission able to correctly predict the outcome of any given concentration transaction These considerations take the reader through a deep and searching analysis that calls into question the very credibility and transparency of the system leading to alternatives which promise a new clarity of purpose and procedure The author describes how these recommendations can be integrated

into the functioning framework of the European project Taken fully into account along the way is a wide spectrum of relevant source material including the following applicable articles and chapters of the founding and subsequent European Treaties secondary European legislation concerning competition and merger activity domestic competition laws guidelines notices and action plans competition law reviews statements of intentions draft legislative attempts speeches on the enactment and purpose of merger control Member States views concerning European merger control as expressed during Council negotiations officially available concentration related statistics and a wide ranging literature review covering both the legal and economic sides of merger control Throughout the author substantiates theoretical assertions with case law examples clearly exposing doctrines arising from such cases as Continental Can Phillip Morris Rothmans and the Airtours Schneider and Tetra Laval trilogy A unique feature of the analysis draws on the author's personal experience while working for a Brussels competition law firm This book is a remarkable compound of academic guide to the roots and rationales of the European Merger Control System practical guide to the day to day intricacies of merger control enforcement and raw guide for decision makers and merger control law enforcers It will be of immense value in all three contexts

Merger Control in Europe Nauta Dutilh, 2003-01-01 Rev edition of Merger control in the EU edited by Peter Verloop 3rd rev ed 1999 *EC Merger Control* C. John Cook, Christopher Stephen Kerse, 2005 This well known and highly respected text provides a complete guide to the regulation of mergers by the EU competition authorities Providing full coverage of merger control issues this fourth edition has been extensively revised to cover in depth the new EC Merger Regulations in force on 1st May 2004 which have transformed the EC merger regime It examines the obligations large firms businesses now face provides detailed discussion of the separate issues and sets out a series of proposals for working legally under the new regime Examines the new EC Merger Regulation in detail Explains the new procedures and tests companies and practitioners must now deal with Sets out strategies for working effectively in this new environment Includes the text of relevant legislation including the Merger Regulations Features a table of EU merger decisions

EC Merger Control Götz Drauz, Michael Reynolds, 2003 The European Commission adopted a comprehensive package of reforms to the EU merger control regime in conjunction with the accession of the new Member States in 2004 This constituted the most radical reform of the regime since the previous Merger Regulation was adopted in 1989 aimed at better adapting it to a globalizing market and enlarging an increasingly integrated European Union The extensive reform to the regulation has provoked significant questions about the way in which the Commission treats major merger evaluations EC Merger Control provides a comprehensive and insightful account of the many important procedural and substantive aspects of the reform process with contributions from eminent specialists in the field of mergers including lawyers economists and representatives of the European Commission Court of First Instance US Department of Justice the World Bank and several competition authorities The papers in this book are based on the proceedings of the 2002 EC Merger Control conference organised jointly by the European Commission and

the International Bar Association The EC Merger Regulation Alistair Lindsay, 2003 EC Merger Regulation is a specifically practical mergers book It provides a working guide to the most crucial EC Merger Regulation issues with the purpose of supplying Competition and EC law practitioners with the key information and effective techniques they need to complete merger deals successfully Throughout it is alive to the practical issues involved and discusses them in lawyers terms A highly practical rather than theoretical treatment supplying clear answers to lawyers questions about the process Focuses on what lawyers negotiating the EC Merger Regulation process need to know to steer a deal through effectively Analyses the way in which the Commission reaches its decisions Examines the practical lessons from the substantial volume of case law and jurisprudence in this area *Merger Control in Post-Communist Countries* Jurgita Malinauskaite, 2010-11 This book provides a critical analysis of merger control regimes in the former socialist countries with small market economies looking at the unique challenges facing these economies The book will analyse the merger control regimes in Estonia Latvia and Lithuania Slovenia and Slovakia *The EU Merger Regulation* Alistair Lindsay, Alison Berridge, 2012 This is the 4th edition of The EC Merger Regulation a detailed guide to the method of merger control in the European Union Fully revised for 2012 this comprehensive text describes how the European Commission determines approval of a notified merger thereby providing information and techniques to complete merger deals successfully for companies operating in the European Union *EC Competition and Telecommunications Law* Christian Koenig, Andreas Bartosch, 2009-03-27 This new volume updates the groundbreaking analysis of its first edition in 2002 when the EC common regulatory framework for electronic communications networks and services had just entered into force So much has changed in the intervening years that that this new edition bears little resemblance to its predecessor with every chapter either extensively altered or entirely new It remains however the most detailed and comprehensive overview available of the application of the EC Treaty s competition rules in the markets for telecommunications and audiovisual media and of the applicable regulatory framework In thirteen chapters each contributed by one or more noted legal authorities in the field the second edition of EC Competition and Telecommunications Law covers the full range of EC telecommunications law across all major areas of both institutional and substantive law both on the international and EC levels including the following State aid the merger control regulation justification for sector specific regulation in EC competition law network access authorizations and privileges and mobile telephony Relevant EC media and communications law and relevant aspects of EC competition law are dealt with in detail While some chapters focus on competition law others deal primarily with sector specific regulation There is practical guidance throughout on procedural matters alongside analysis of the substantive provisions Well known in its first edition this thoroughly revised and updated version continue to be vital reading for practitioners in particular those specializing in European competition law and for company and in house lawyers who are seeking advice on how European law affects their business As a detailed analysis of the basic legislative and regulatory framework of European telecommunications law it will

be an invaluable reference work for lawyers judges regulators and policymakers in all the EC Member States as well as for students and teachers of European law *Economics and the Enforcement of European Competition Law* Christopher Decker,2009-01-01 The book is well written and readable by non economists The approaches questions methodology and basis for selection of cases interviewees are clearly explained and justified This book is a valuable contribution to the literature Rhonda Smith Competition and Consumer Law Journal Recent years have seen a trend toward an economics based approach to the enforcement of European competition law But what is meant by economics based and how does this approach sit with legal and enforcement practice This book seeks to place in perspective the growing use of economics in European competition law enforcement by examining precisely how economics contributes to the enforcement activity of the European Commission and Courts Christopher Decker provides unique empirical insights as to how economic theory thinking techniques and data have featured in decision making in the area of co ordinated effects The role of economics is examined throughout the entire enforcement process from the decision to initiate an investigation to the design and implementation of remedies and its conclusions are of general relevance to all areas of competition law enforcement where economics is used Utilising a broad and multifaceted conception of economics this book is essential reading for academics and students interested in European competition law EC competition lawyers applied industrial economists and enforcement officials It will also be an invaluable tool for academic libraries and institutes government agencies law firms and economic consultancies Merger control law in the European Union European Commission. Directorate-General for Competition,2004 **The Modernisation of EC Antitrust Law** Rein Wesseling,2000-07 In recent years European Community EC competition law has come under fire Continued criticism of all aspects of the means by which EC competition law is enforced has brought to light ineffectiveness of the present system Consequently the European Commission has responded by issuing the White Paper on Modernisation which sets out its vision on the future of EC competition law This new book takes a step back and tries to understand the current challenges to EC competition policy by examining the origins of the Community s competition law system In the first part of the book the author sketches the development of Community competition law enforcement between the European Economic Community established in 1958 and the European Union of today Taking this dynamic perspective on EC competition law the second part of the book addresses topical problems of EC competition policy the pertinent objectives the institutional framework the division of jurisdiction between the Community and Member States and decentralised enforcement of Community law Notably the author s conclusions diverge considerably from the analysis found in the Commission White Paper on Modernisation The author proposes various alternative solutions to the existing problems which arguably fit better within the overall constitutional development of the Community than the solutions offered by the Commission The book will be of interest to competition lawyers as well as to all those interested in the constitutional development of the European Community *E.C. Merger Control* C. John Cook,Christopher Stephen

Kerse,2000 A guide to competition law this edition presents case law merger decisions and notifications and key legislation Specific developments include Regulation 447/98 introducing supplementary thresholds for Community dimension with convoluted multiple criteria a revised implementing Regulation with amended CO form revised notices to interpret the new Regulation a statement entitled Information on the assessment of full function JVs pursuant to the competition rules of the EC which impacts significantly on the area of joint venture revised organizational arrangements within DGIV for the treatment of JVs

EC Competition Law Alison Jones,B. E. Sufrin,2008 Ideal for students taking a course on competition law in its European context this book guides students through a wide range of carefully selected cases and materials with exceptional analysis and comment The selection of writings has been chosen to present the most important perspectives on the subject as well as the broader socio economic context of EC competition law This third edition has been fully updated with all the recent developments within EC Competition Law since 2004 including coverage of the review of Article 82 and the green paper on damages as well as further information on US anti trust law Each chapter now begins with a central issues section which helps students to focus and direct their learning Editions are kept up to date via an accompanying Online Resource Centre which also contains relevant weblinks and material including an additional chapter on State Aids Combining the strengths of a modern textbook and traditional materials book Cases and Materials on EC Competition Law provides a wide ranging and thorough guide to the study of Competition Law enabling students to engage with both legal and economic aspects and making it ideal for both under and postgraduate courses on EC Competition Law

EU and US Antitrust Arbitration Gordon Blanke,Phillip Louis Landolt,2011-01-01 EU and US Antitrust Arbitration is the first book that deals with how both of the world s leading antitrust systems US and EU law are treated in international arbitration In forty nine chapters written by renowned experts this book provides an in depth examination of all relevant topics from drafting arbitration clauses to arbitrability provisional measures the applicability of antitrust law in arbitrations dealing with economic evidence and experts in relation to antitrust law to relations with courts and regulators remedies and recognition and enforcement of arbitration awards dealing with antitrust issues Both antitrust and merger control are covered The perspectives of the arbitrator and the in house andquot userandquot of arbitration are included Two chapters outline and explain US antitrust law and EU antitrust law with special reference to matters particularly likely to arise in arbitration One chapter is devoted to ICC antitrust arbitrations and another to the emerging area of EU State aids in arbitration There are industry specific chapters such as on telecommunications and pharmaceuticals and much else In this substantial book practitioners will find helpful and easy to understand guidance to their questions on antitrust arbitrations

Regulating Competition in the EU Pernille Wegener Jessen,Bent Ole Gram Mortensen,Michael Steinicke,Karsten Engsig Sorensen,2024-05-21 This revised and updated edition of a basic sourcebook and practice guide in EU competition law retains the first edition s significantly broader perspective on EU competition law than most books in the field It explains not

only the traditional areas of competition law but also aspects of competition law that are of particular importance to practitioners With its comprehensive overview of relevant provisions related to competition among others the authors shed clear light on the following topics and the interplay between these different areas of competition law the prohibition of agreements which restrict competition the prohibition of abuse of dominant position the rules on merger control the prohibition of State aid the liberalised sectors such as energy supply transport postal services and telecommunications and the rules on public procurement The chapters integrate an extensive number of sources including new acts new decisions and judgments and new Commission guidelines that help guide the interpretation of the underlying Treaty provisions With its enhanced view of EU competition policy regulation and enforcement and its emphasis on specific industry sectors this book offers an unusually thorough view of aspects of competition law which play an essential role in regulating the conduct of undertakings and public authorities in the market This new edition will continue to be of special value to any lawyer policymaker or scholar active in European competition law

European Union Law Damian Chalmers, 2006 Comprehensive student textbook covering all aspects of European Union law

Current Legal Problems 2009 Colm O'Cinneide, 2010-02-04

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