

**EUROPEAN QUESTIONNAIRE ON THE APPLICATION OF
THE EC MERGER REGULATION**

UNICE COMMENTS

1. INTRODUCTION

UNICE has noted the Commission's questionnaire on the application of the Merger Regulation and welcomes the Commission's initiative to collect further information from a large number of business associations and companies on operation of the thresholds and criteria contained in the Regulation.

A number of UNICE's member federations have sent their replies to the questionnaire directly to the Commission. In addition to these individual answers, UNICE's response is set out below.

As a preliminary remark, UNICE wishes to stress that the one-stop-shop principle is one of the most important features of the Regulation. Application of this principle reduces considerably the administrative burden on companies, increases legal certainty and speeds up decision-making.

Multiple national merger control procedures are costly and burdensome for business and slow down the pace of industry consolidation and reorganisation, which are of crucial importance for European competitiveness in global markets.

2. QUESTIONS

Questions related to the operation of the thresholds set out in Article 1 (2)

UNICE considers that the criteria set out in Article 1 (2) of the Merger Regulation are appropriate to confer jurisdiction on the Commission to examine a concentration as defined in accordance with Article 3 of the Regulation.

In addition, UNICE considers that the turnover thresholds set out in that Article are appropriate to determine that a concentration has a Community dimension.

Questions related to the operation of the thresholds set out in Article 1 (3)

UNICE considers that the criteria set out in Article 1 (3) of the Merger Regulation are appropriate to confer jurisdiction on the Commission to examine a concentration and that the turnover thresholds set out in that Article are appropriate to determine that a concentration has a Community dimension.

As regards the Commission's question on multiple filing, UNICE considers it important to avoid transactions having to be notified in more than two Member States.

As stated above, multiple merger control procedures are costly and burdensome for business. Application of the one-stop-shop principle generally results in lower costs, less complication and less delay where the alternative would have involved multiple applications to national authorities. In addition, it ensures competent and consistent application of the rules and provides legal certainty in the form of strict adherence to timetables, speedy decision-making and final decisions that are legally binding throughout the Union. UNICE would oppose reducing these benefits to a smaller number of Community transactions by way of an increase in the thresholds.

General questions

UNICE believes that the criterion in Article 1 (3), whereby a concentration does not have a Community dimension when each of the undertakings concerned achieves more than two-thirds of its aggregate Community-wide turnover within one and the same Member State, reflects operations with a national character satisfactorily.

Further suggestions

UNICE is of the view that it is of the utmost importance for industry that merger control is of good quality and efficient. Considering the substantial increase in the number of mergers in the Union over the past few years, UNICE would support an increase in Commission resources to ensure that it remains in a position to deal with notified mergers promptly and effectively.

UNICE is concerned about the complexity of form CO and the large amount of information that is requested. UNICE suggests the Commission eases the regulatory burden on industry in this respect.
