Modernization of merger control

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The decree regarding the simplification of the national merger control procedure to the Autorité de la concurrence entered into force

On 20 April 2019, the decree regarding the simplification of the national merger control procedure to the Autorité de la concurrence was published in the Official Journal of the French Republic (JORF). It materializes a number of measures aimed to alleviate the burden on companies that the Autorité has supported as part of a modernization of its merger control initiated at the end of 2017.

Notification file information now alleviated

Companies concerned by a prior notification of their mergers to the Autorité are subject to the provisions of Articles L. 430-1 et seq. of the French code de commerce (Commercial Code). The annexes of this code, laid down by regulation, provide the content of the file to be sent to the Autorité. The decree n ˚ 2019-339 of 18 April 2019 alleviates this scope of the information required.

The decree removes the obligation to submit the notification files in four material copies (and three copies for the files referred to the Autorité de la concurrence by the European Commission). One copy is now sufficient.

Moreover, it amends Annex 4-3 of the Commercial Code by raising the threshold from 25 % to 30 % from which a market is considered to be affected for the analysis of the vertical effects of a merger and for which more substantial information are required.

Finally, the decree simplifies the summary tables of the financial data of the concerned companies, in particular the table provided for Annex 4-4, which now

includes only 12 data to be provided (mainly relating to turnovers) against 93 in the previous version.

The merger control modernization move will continue with the creation of an online notification procedure for simplified files

Currently in the testing phase, an online notification form available on the Autorité's website should be operational before the end of the first half of 2019. This dematerialized procedure will only concern mergers which benefited from the simplified procedure in its current form.

Through this dematerialized procedure, the Autorité intends to participate in the modernization of State intervention methods and take into account the efficiency constraints expressed by companies and their representatives.

> Consult the decree n° 2019-339 of 18 April 2019 regarding the simplification of the notification file of a merger control to the Autorité de la concurrence (In French)

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