How to notify a merger

As the business world evolves, your strategy evolves too!

From mergers and takeovers to the creation of joint ventures, all such transactions must be notified to the *Autorité de la concurrence* if they are above a certain size.

How should you notify your proposed merger? Here is the procedure to follow.

GUIDELINES

To find out more about merger control procedures and practices at the Autorité de la concurrence, see the new Merger Control Guidelines issued on 23 July 2020

See the PDF

How do I know if a transaction needs to be notified?

To find out more about the current rules and the applicable turnover conditions, click here.

Who is responsible for notification?

- In the case of a takeover, the company acquiring control notifies the transaction.
- In the case of a merger, the merging companies notify the transaction.

- In the case of the creation of a joint venture, the companies creating thejoint venture notify the transaction.

How do I notify a transaction?

Request for the appointment of a case officer (optional)

In anticipation of the pre-notification or forthcoming notification of a merger, companies may contact the Mergers Unit to request the appointment of a team to examine the transaction. The request, which is optional, should be sent directly by e-mail to controle.concentrations@autoritedelaconcurrence.fr with the completed form.

Pre-notification (optional)

Before formally notifying a merger, companies may contact the *Autorité* informally. Pre-notification provides an opportunity for a company to discuss the feasibility of its plans with the Mergers Unit and make any necessary advance arrangements in the case of a complex merger, as well as to minimise the risk of submitting an incomplete notification file.

To send a pre-notification or for any preliminary questions, please contact the Mergers Unit

by email or by telephone on +33 (0)1 55 04 01 72.

Notification

Notification files – whether paper or electronic – should be submitted before 7 p.m., otherwise they will be taken into account on the next working day.

Notification via the Hermès electronic document exchange platform

In accordance with Article R. 430-2 of the French Commercial Code (*Code de commerce*), mergers may be notified electronically via the Hermès platform.

If you wish to notify a merger electronically, please send an email to greffe.concentrations@autoritedelaconcurrence.fr to request the creation of an account.

Once you have access to the platform, the Mergers Registry will send you an e-mail with instructions on how to submit your notification file on the platform. The instructions are also available on the platform home page.

One you have uploaded your documents, the Mergers Registry will check whether your notification file is complete and will send you an acknowledgement of receipt stating the date of receipt of the notification, pursuant to Article R. 430-2 III of the French Commercial Code. If the file is incomplete, the Mergers Registry will send you a letter detailing the information to be completed or rectified.

Notification by post

Notifications of proposed mergers may be sent to the *Autorité* by registered letter with acknowledgement of receipt or submitted, in hard copy together with an electronic version, at the following address:

Autorité de la concurrence

Chef du service des concentrations

11, rue de l'Échelle

F-75001 Paris (France)

Notifications may be submitted on working days between 9 a.m. and 7 p.m.

Following receipt or submission, notification files are stamped with the date when they reached the *Autorité.* The date stamp and acknowledgement of receipt do not constitute registration.

Notification form
For notification via Hermès or by post, download the notification form (in French)

The following summary tables (in French) may help you, for certain transactions, to provide a simple presentation of your competitive analysis of the transaction to be notified.

- Table for food distribution
- Table for motor vehicle distribution
- Table for transactions with no overlap between the parties

Notification directly online with no form

For certain very simple transactions (e.g. in the distribution sector, with no overlapping), you may notify your transaction directly online by following the procedure corresponding to your situation, as explained below.

To do so, go to the Simplified procedures website (in French).

01

How to proceed

- Go to the Simplified Procedures website;

-Create an account;

Select the procedure corresponding to your situation;

- Fill in the fields in accordance with the instructions in the document.

02

Pre-notification phase

At the pre-notification stage, you can amend the document as many times as you need to, even after you have submitted it.
The rapporteur (case officer) to whom your case is assigned will be able to access the different versions of the form and can contact the notifying party in the same way as for normal correspondence by email.

03

Notification phase

Once the form has been formally submitted for notification, you can no longer amend it online.

04

Acknowledgement of receipt

Whenever a file (pre-notification or notification) is submitted, an acknowledgement of receipt is automatically sent to the notifying party.
This does not constitute confirmation of the file's completeness.
This does not constitute confirmation of the file's completeness.

Food distribution sector



You are at the pre-notification stage

You are at the notification stage

Motor vehicle distribution sector



You are at the pre-notification stage

You are at the notification stage

Other sectors (no horizontal overlap or vertical or conglomerate links)



You are at the pre-notification stage

You are at the notification stage