

# 4 May 2016: Report on information requirements for merger notification

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**National competition authorities from the European Union publish report on information requirements for merger notification in Europe**

**This tool will facilitate companies' notifications of cross-border transactions in multiple jurisdictions**

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## ***Highlights***

The EU Merger Working Group has published a complete overview of the state of play of information requirements for merger notification in the European Union. These documents will offer greater transparency to companies, in particular those which must notify a transaction in several Member States.

National competition authorities of the European Union and the Norwegian authority (NCAs) have decided to publish a report with four comparative tables relating to the information they require from notifying parties under their respective merger control regimes.

## ***A comparative overview of the nature and level of information required by national competition authorities***

The report and the tables are the result of a project conducted by the Autorité de la concurrence together with its Czech, Italian and Spanish counterparts on the basis of the replies of the 28 member NCAs of the EU Merger Working

Group.

These documents provide a comparative overview of the nature and level of information to be submitted by companies when filling out their merger notification forms. They are divided into four parts, describing the relevant procedural steps, on one hand, the information requirements pertaining to the transaction, the concerned undertakings and the relevant markets, on the other.

The report highlights a significant level of convergence across jurisdictions concerning the analytical framework applicable to the substantive review of the merger as well as the level of information required. Most notification forms mirror in their content and in their structure the forms foreseen under Regulation n° 802/2004 of 21 April 2004<sup>1</sup>.

### ***A tool which should ease the preparation by companies of their multijurisdictional merger notifications***

A detailed review of these tables reveals nonetheless some differences between Member States concerning the level of detail, the timeframe and/or the extent of the required information. These discrepancies, while not substantial, may however entail additional research costs for merging parties notifying cross-border transactions in multiple jurisdictions. The report and the tables, by collecting and comparing the information required by the various NCAs, constitute a clear and manageable tool which allows companies to better anticipate the nature and level of compulsory information in the different Member States and may consequently reduce the administrative costs of proceeding with the transaction.

It can also be useful for NCAs when reviewing the content of their notification forms in order to ensure better convergence within the EU.

In the context of its report of December 2013, "Making merger control simpler and more consistent in Europe", the Autorité de la concurrence had reflected on the way to achieve a better interplay between national merger regimes and had made several proposals in order to address the observed fragmentation within the EU. The documents released today make a contribution towards achieving that goal by offering greater transparency to stakeholders and by giving NCAs

the means to aim for voluntary convergence.

The report and the tables are available at the following website:

<http://ec.europa.eu/competition/ecn/mergers.html>

<sup>1</sup> Commission Regulation (EC) No 802/2004 of 21 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings.

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