Today, the Autorité de la concurrence launched its online notification procedure for certain mergers.

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Background

The Autorité is continuing the simplification process it has begun for merger procedures. After adopting various measures to reduce and simplify procedures for businesses (see Press Release of 7 June 2018), resulting, in particular, in a considerable decrease in the amount of information that must be provided for the simplest transactions, the Autorité is now giving businesses the possibility of online notification for certain acquisitions and mergers.

This innovation will be followed by the adoption of new merger guidelines in a few months. These guidelines are currently under public consultation and will increase the proportion of transactions that fall under the simplified procedure from 50% to 70%.

Half of cases submitted to the Autorité are eligible for the electronic procedure

Transactions that currently fall under the simplified procedure are affected by this development, i.e. any transaction not likely, on initial analysis, to raise any competition issues.

The simplified procedure allows businesses to submit a simplified case file and the Autorité to issue a decision more quickly (within around 3 weeks instead of 5 weeks).

Every year, approximately half of the cases examined by the Autorité fall under this procedure. Around half of the cases examined by the Autorité are therefore eligible for the electronic procedure.

This affects the food distribution and motor vehicle distribution sectors and transactions without overlapping horizontal activities or vertical or related links, regardless of the sector

The following transactions are eligible:

- transactions where the purchaser(s) operate(s) neither on the same markets as those of the businesses acquired (targets), nor on upstream, downstream or related markets (which includes most transactions carried out by investment funds);

- notifiable transactions relating to food distribution and which do not involve a change of name for the retail store(s) affected;

- notifiable transactions relating to motor vehicle distribution.

A form available on the website “demarches-simplifiees.fr”

This procedure uses the “demarches-simplifiees.fr” service for electronic administrative procedures. The website is developed, hosted and maintained by the French State's Inter-ministerial Directorate for Digital Information and

Communication Systems (DINSIC).

For all transactions eligible for electronic procedures, there is a form for pre-notification and another for notification. Users must first create an account to use for all pre-notifications or notifications.

Transaction without change of retail store name in the food sector :

Prénotification - Notification

Transaction relating to motor vehicle dealerships :

Prénotification - Notification

Transaction without overlapping activities or vertical or related links :

Prénotification - Notification

For pre-notifications (informal contact between businesses and the Autorité prior to notification), users can continue to add to and edit forms, even after they have been sent to the Mergers Unit.

However, sending a notification form is definitive and users will no longer be able to edit or add to the form.

The “proof of receipt” received by users in each instance simply means that the form has been sent to the Mergers Unit. It does not confirm that the case file is considered complete.

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