The European Commission opens a review of Illumina's acquisition of Grail under the procedure of Article 22 of the 2004 Merger Regulation

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Following the referral request submitted by the *Autorité de la concurrence*, which was joined by several Member States of the European Economic Area (Belgium, Greece, Iceland, the Netherlands, Norway), the Commission has decided to open an examination on Illumina's acquisition of Grail's transaction (see press release of 20 April 2021).

This is the first time since Margrethe Vestager's announcement of her new approach in terms of merger control of "below the threshold" transactions under Article 22 of Regulation 139/2004, that the Commission will examine a merger transaction that was not submitted to a mandatory notification in terms of national turnover thresholds.

This renewed approach to Article 22, which constitutes a return to a reading corresponding to the full scope of framework, responds to the requests expressed by several actors, in particular the French Authority, to mobilise the merger control tool more effectively on a European level. It is thus a question of better controlling the acquisitions of high-value companies in the fields of digital innovation, health or biotechs, and which can make it possible to consolidate the market power of already powerful or dominant companies or significantly affect competition. The referred transaction falls within the framework of these new priorities: it is the takeover by a powerful American company in the healthcare sector of an innovative company which is working on the development of a blood test for cancer screening based on genomic sequencing technology.

PRESS RELEASE

of 20 April 2021

See the press release