



Transparency in merger investigations

Simon VANDE WALLE

Case Handler
Unit C.5

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The views expressed are those of the speaker only and cannot be regarded as stating an official position of the European Commission.

Transparency

- DG COMP endeavours to give all parties involved in the proceedings ample opportunity for open and frank discussions and to make their points of view known throughout the procedure (Best Practices, para. 29)
- State of play meetings
 - Mutual exchange of information between DG Competition and the notifying parties at key points in the procedure
 - Usually chaired by senior management (Director or Deputy Director General)



Key points of communication with the notifying party – Phase I

- Pre-notification
- State of Play on day 15 at the latest in case of "serious doubts"
 - Preliminary results of the market investigation
 - Preparation for formulation of a possible remedy proposal (deadline: day 20)
- Article 6(1)(c) decision + key documents (Best Practices, para. 45-46)



Key points of communication with the notifying party – Phase II – up to the SO

- State of play following the Art. 6(1)(c) decision
 - Understanding the Commission's concerns at an early stage in Phase II
 - Planned economic studies
- State of play prior to the Statement of Objections
 - Preliminary view on outcome of Phase II investigation
- Statement of Objections + **Access to file**



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Key points of communication with the notifying party – Phase II – after the SO

- Reply to SO
- Oral hearing
- State of play following the oral hearing
 - Position of DG COMP after reply to SO and oral hearing
 - Discussion of possible remedy proposals
- State of play before the advisory committee
 - Discussion of remedy proposals

Communication with third parties

- Publication of the notification
- Replies to requests for information
 - Market investigation
 - Market test of remedies
- Voluntary written submissions and meetings
- Non-confidential version of the statement of objections
- Express views at oral hearing

Communication at the end of the procedure

- Press release
- Publication of the final Commission decision
 - Guidance on the preparation of public versions of Commission Decisions adopted under the Merger Regulation (May 2015)
 - Remedies often made public before full decision

New