

# Questionnaire on Revision of certain procedural aspects of EU merger control

Fields marked with \* are mandatory.

## Introduction

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### Responding to the questionnaire

You can contribute to this consultation by filling in the online questionnaire. If you are unable to use the online questionnaire, please contact us using the email address below.

The questionnaire is available in English, French and German. You can submit your responses in any official EU language.

For reasons of transparency, organisations and businesses taking part in public consultations are asked to register in the [EU's Transparency Register](#).

### **How to answer?**

You are invited to reply to this public consultation by filling out the EUSurvey questionnaire online. The questionnaire is structured as follows:

The first part of the questionnaire concerns general information on the respondent.

The second part focuses on policy options for a possible revision of the Notice on Simplified Procedure, and the Implementing Regulation as set out in section B of the Inception Impact Assessment, namely regarding (a.) the categories of simplified cases, (b.) the review of simplified cases, (c.) the review of normal cases and (d.) the possibility to use electronic notifications. This is the main part of the questionnaire. It aims at gathering information and views from stakeholders to assess the impact of the policy changes that the Commission is exploring.

The third part of the questionnaire addresses other issues and elements to be considered during the impact assessment phase.

The Commission will summarise the results in a report, which will be made publicly available on the Commission's Better Regulation Portal.

To facilitate the analysis of your reply, we would kindly ask you to keep your answers concise and to the point. You may include documents and URLs for relevant online content in your replies. You are not required to answer every question. You may respond 'no opinion' to questions on topics where you do not have particular knowledge, experience or opinion or simply do not answer if this option is not available. Where applicable, this is strongly encouraged in order to ensure that the evidence gathered by the Commission is solid.

You are invited to read the privacy statement attached to this consultation for information on how your personal data and contribution will be dealt with.

You have the option of saving your questionnaire as a 'draft' and finalising your response later. In order to do this, click on 'Save as Draft' and save the new link that you will receive from the EUSurvey tool on your computer. Please note that without this new link you will not be able to access the draft again and continue replying to your questionnaire. Once you have submitted your response, you will be able to download a copy of your completed questionnaire.

Whenever there is a text field for a short description, you may answer in maximum 2000 characters.

Questions marked with an asterisk (\*) are mandatory.

To avoid any confusion about the numbering of the questions, please note that you will be asked some questions only if you choose a particular reply to the respective previous one(s).

No statements, definitions, or questions in this public consultation may be interpreted as an official position of the European Commission. All definitions provided in this document are strictly for the purposes of this public consultation and are without prejudice to definitions the Commission may use under current or future EU law or in decisions.

In case you have questions, you can contact us via the following functional mailbox:

[COMP-SIMPLIFICATION\\_IMPACT\\_ASSESSMENT@ec.europa.eu](mailto:COMP-SIMPLIFICATION_IMPACT_ASSESSMENT@ec.europa.eu)

If you encounter technical problems, please contact the Commission's [CENTRAL HELP-DESK](#).

## **Publication privacy settings**

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

### **Anonymous**

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published. If you choose to submit an anonymous reply, we ask you not to refer to your identity in any of your replies.

### **Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

Please note that your replies and any attachments you may submit will be published in their entirety even if you chose 'Anonymous'. Therefore, please remove from your contribution any information that you will not want to be published.

## About you

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\* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association

- Company (other than law firm or economic consultant)
- Consumer organisation
- EU citizen
- Economic consultant
- Non-EU citizen
- Law Firm/ Lawyer
- Public authority
- Trade union
- Other

\* First name

Alastair

\* Surname

Mordaunt

\* Email (this won't be published)

alastair.mordaunt@freshfields.com

\* Organisation name

*255 character(s) maximum*

International Bar Association

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

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## Country of origin

Please add your country of origin, or that of your organisation.

- Afghanistan
- Åland Islands
- Albania
- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Saint Martin
- Saint Pierre and Miquelon
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan

- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
  
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
  
- Burkina Faso
- Burundi
  
- Cambodia
  
- Cameroon
  
- Canada
- Cape Verde
- Cayman Islands
  
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
  
- Grenada
- Guadeloupe
  
- Guam
  
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
  
- Guyana
  
- Haiti
- Heard Island and McDonald Islands
  
- Honduras
- Hong Kong
  
- Hungary
  
- Iceland
  
- India
- Indonesia
- Iran
  
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
  
- Nepal
  
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
  
- Niger
  
- Nigeria
- Niue
  
- Norfolk Island
- Northern Mariana Islands
- North Korea
  
- North Macedonia
- Norway
- Oman
- Pakistan
  
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
  
- Syria
  
- Taiwan
- Tajikistan
- Tanzania
- Thailand
  
- The Gambia
  
- Timor-Leste
- Togo
  
- Tokelau
- Tonga
  
- Trinidad and Tobago
- Tunisia
  
- Turkey
- Turkmenistan
- Turks and Caicos Islands

- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### \* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

**Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

### \* The main activities of your organisation:

*Text of 1 to 2000 characters will be accepted*

Bar association of legal practitioners

### \* Please mark the countries/geographic areas where your main business is based.

*between 1 and 33 choices*

- |  |   |   |  |
|--|---|---|--|
| <input checked="" type="checkbox"/> Austria        | <input checked="" type="checkbox"/> France  | <input checked="" type="checkbox"/> Malta           | <input checked="" type="checkbox"/> United Kingdom   |
| <input checked="" type="checkbox"/> Belgium        | <input checked="" type="checkbox"/> Germany | <input checked="" type="checkbox"/> Netherlands     | <input checked="" type="checkbox"/> Others in Europe |
| <input checked="" type="checkbox"/> Bulgaria       | <input checked="" type="checkbox"/> Greece  | <input checked="" type="checkbox"/> Poland          | <input checked="" type="checkbox"/> America          |
| <input checked="" type="checkbox"/> Croatia        | <input checked="" type="checkbox"/> Hungary | <input checked="" type="checkbox"/> Portugal        | <input checked="" type="checkbox"/> Asia             |
| <input checked="" type="checkbox"/> Cyprus         | <input checked="" type="checkbox"/> Ireland | <input checked="" type="checkbox"/> Romania         | <input checked="" type="checkbox"/> Africa           |
| <input checked="" type="checkbox"/> Czech Republic | <input checked="" type="checkbox"/> Italy   | <input checked="" type="checkbox"/> Slovak Republic | <input checked="" type="checkbox"/> Australia        |



- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Denmark | <input checked="" type="checkbox"/> Latvia     | <input checked="" type="checkbox"/> Slovenia |
| <input checked="" type="checkbox"/> Estonia | <input checked="" type="checkbox"/> Lithuania  | <input checked="" type="checkbox"/> Spain    |
| <input checked="" type="checkbox"/> Finland | <input checked="" type="checkbox"/> Luxembourg | <input checked="" type="checkbox"/> Sweden   |

\* Has your company/business been the addressee of a Commission decision under Article 6 or Article 8 of Council Regulation (EC) No 139/2004, or has it been another involved party (such as the target or seller) or has your company/business organisation acted as external counsel or economic consultant of an addressee of such decision?

*between 1 and 8 choices*

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Yes, Article 6.1.(a) decision                                | <input checked="" type="checkbox"/> Yes, Article 8.1 decision |
| <input checked="" type="checkbox"/> Yes, Article 6.1(b) decision (simplified procedure)          | <input checked="" type="checkbox"/> Yes, Article 8.2 decision |
| <input checked="" type="checkbox"/> Yes, Article 6.1(b) decision (normal procedure)              | <input checked="" type="checkbox"/> Yes, Article 8.3 decision |
| <input checked="" type="checkbox"/> Yes, Article 6.1(b) in conjunction with Article 6.2 decision | <input type="checkbox"/> None of the above                    |

## Policy options for revising the Commission Notice on Simplified Procedure and the Implementing Regulation (Commission Regulation (EC) No 802 /2004 implementing Council Regulation (EC) No 139/2004, as amended by Commission Implementing Regulation (EU) No 1269/2013)

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The general objective pursued with this initiative is to improve the EU merger control procedures which aim at preventing lasting damage to competition in the internal market stemming from anti-competitive mergers. The specific objectives are to (i) better target the merger review process, allowing the Commission to focus its investigations on the cases that merit a more detailed review and (ii) reduce the administrative costs and burdens of the merger review process.

To pursue these objectives, the following policy options are considered.

### B.1 Expanding the categories of simplified cases

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According to the [Notice on Simplified Procedure](#), the Commission in principle applies the simplified procedure to each of the following categories of concentrations:

- i. Two or more undertakings acquire joint control of a joint venture, provided that the joint venture has no, or negligible, actual or foreseen activities within the territory of the European Economic Area (EEA); such cases occur where: (i) the turnover of the joint venture and/or the turnover of the contributed activities is less than EUR 100 million in the EEA territory at the time of notification; and (ii)

the total value of assets transferred to the joint venture is less than EUR 100 million in the EEA territory at the time of notification (see paragraph 5 (a) of the Notice);

ii. Two or more undertakings merge, or one or more undertakings acquire sole or joint control of another undertaking, provided that none of the parties to the concentration are engaged in business activities in the same product and geographic market, or in a product market which is upstream or downstream from a product market in which any other party to the concentration is engaged (see paragraph 5 (b) of the Notice);

iii. Two or more undertakings merge, or one or more undertakings acquire sole or joint control of another undertaking and both of the following conditions are fulfilled: (i) the combined market share of all the parties to the concentration that are engaged in business activities in the same product and geographic market (horizontal relationships) is less than 20 %; (ii) the individual or combined market shares of all the parties to the concentration that are engaged in business activities in a product market which is upstream or downstream from a product market in which any other party to the concentration is engaged (vertical relationships) are less than 30 % (see paragraph 5 (c) of the Notice);

iv. A party is to acquire sole control of an undertaking over which it already has joint control (see paragraph 5 (d) of the Notice);

The Commission may also apply the simplified procedure where two or more undertakings merge, or one or more undertakings acquire sole or joint control of another undertaking, and both of the following conditions are fulfilled: (i) the combined market share of all the parties to the concentration that are in a horizontal relationship is less than 50 %; and (ii) the increment (delta) of the Herfindahl-Hirschman Index (HHI) resulting from the concentration is below 150 (see paragraph 6 of the Notice).

The evaluation showed that there may be some, albeit potentially limited, scope for further expansion of the categories of simplified cases or for introducing additional flexibility to the review of cases under the simplified procedure that do not fall under any of the current categories of simplified cases but where no competition concerns are likely. The system may also benefit from further clarifications as to which cases merit further review and should therefore not be subject to simplified treatment because of special circumstances.

Against this background, the following policy options concerning paragraphs 5, 6 and 8ff of the Notice on Simplified Procedure are considered (both options could be introduced cumulatively):

**Option 1:** Introducing a flexibility clause in the Notice on Simplified Procedure, giving the Commission discretion to treat additional cases under the simplified procedure under certain circumstances (for instance if the current market share thresholds of the Notice on Simplified Procedure are exceeded only slightly or in cases of joint ventures with turnover or assets value slightly exceeding EUR 100 million (e.g., up to a turnover of EUR 150 million).

**Option 2:** Adding new categories of simplified cases for certain vertical links:

- Cases with highly asymmetric market positions upstream and downstream (as defined in the Guidelines on the assessment of non-horizontal mergers, paragraph 4, footnote 4), with an increased maximum market share in one market (e.g., <40%) but low market shares in the other market (e.g. <5%).
- Cases with high downstream sales shares (e.g., <50%) but relatively low purchasing share by downstream entity as customer on the upstream market (i.e. the percentage that the purchases of a

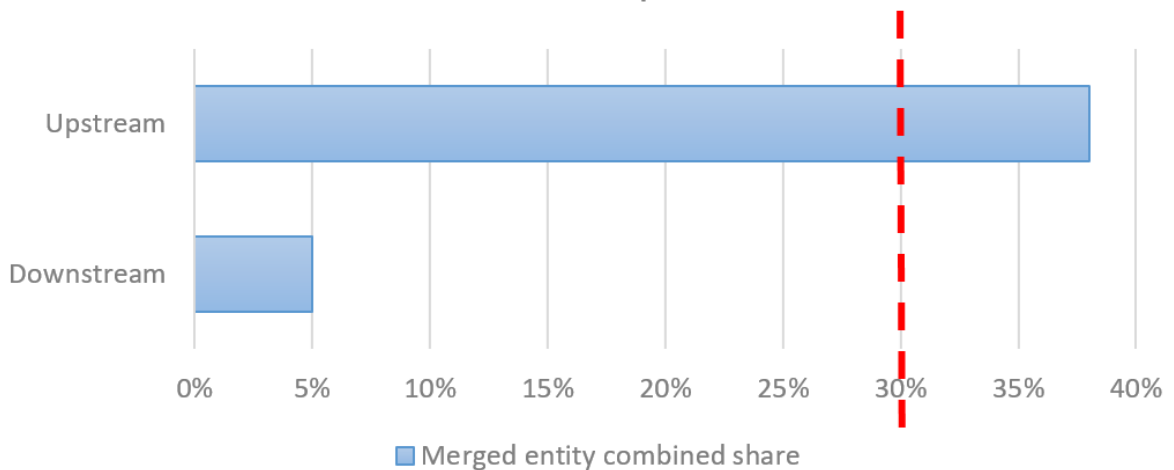
specific input by the downstream entity represent of the overall demand of such input, e.g., <5% or <10%) while the upstream sales share remains beneath the current threshold (<30%).

- Cases with relatively high combined market shares but limited increments to a pre-existing vertical integration, for instance by applying a rule to vertical cases similar to the one for horizontal cases in point 6 of the Notice on Simplified Procedure.

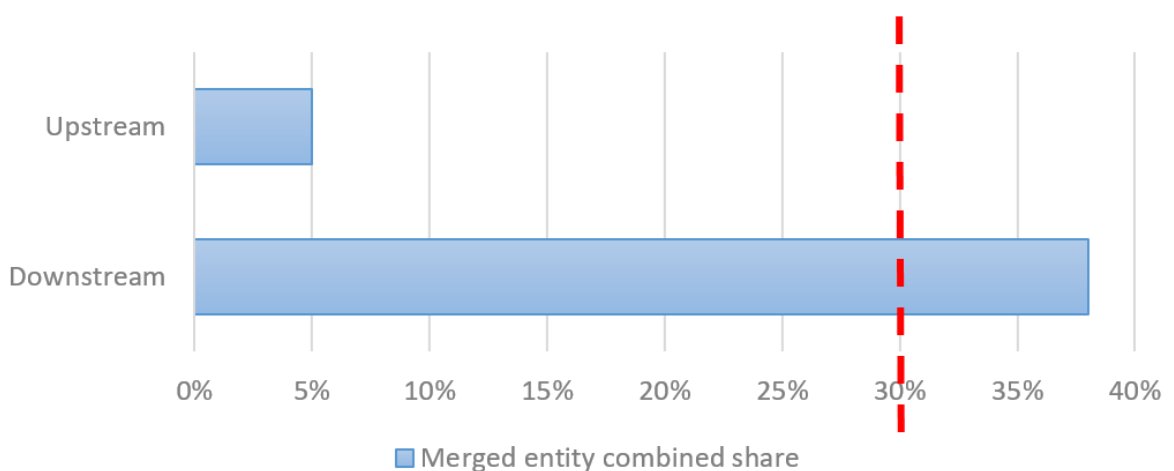
The following graphs illustrate which cases could fall under the scenarios discussed within Option 2:

- Cases with highly asymmetric market positions upstream and downstream

### Highly Asymmetric Market Position Upstream and Downstream: Input Foreclosure

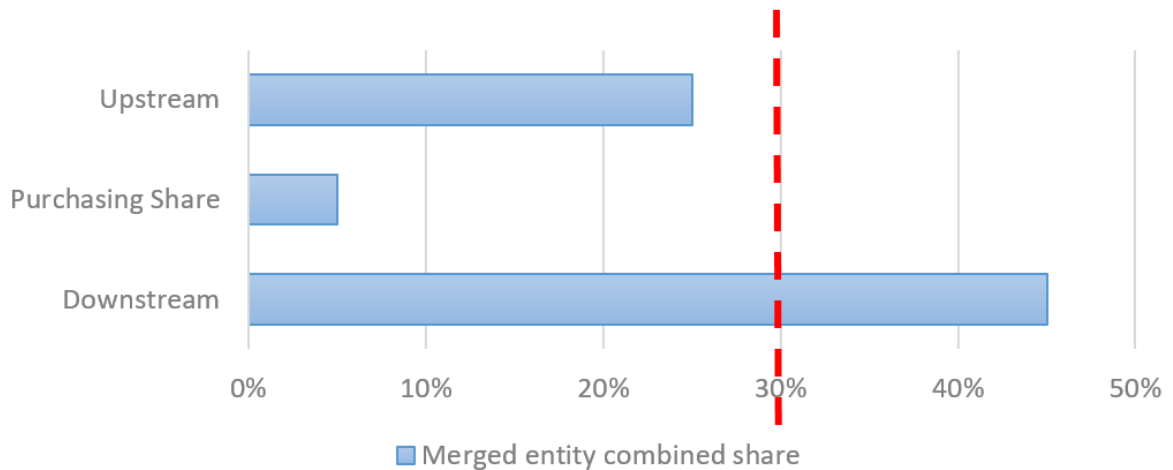


### Highly Asymmetric Market Position Upstream and Downstream: Customer Foreclosure



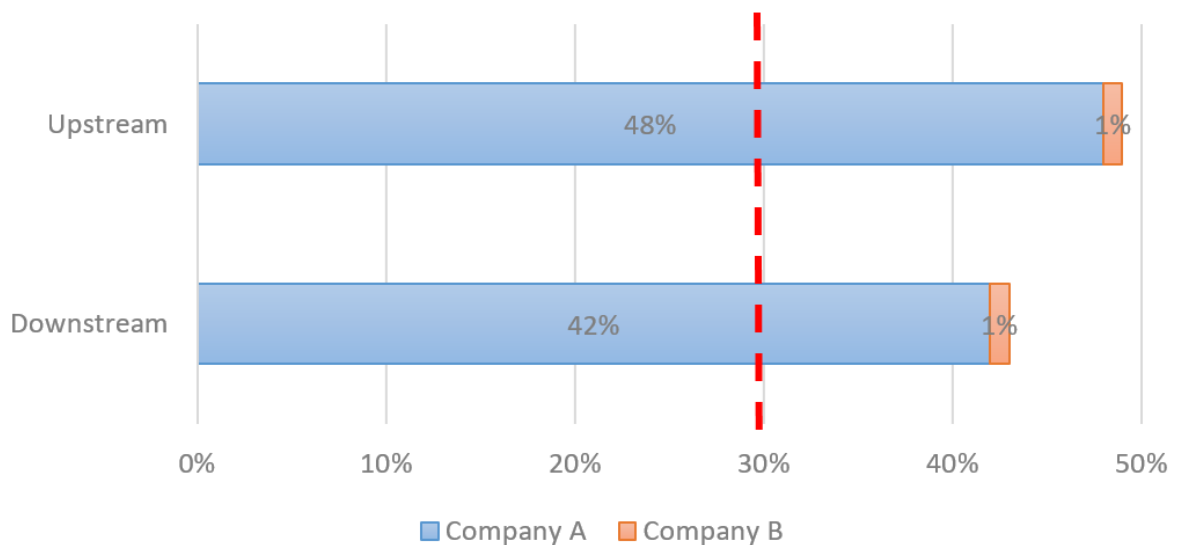
- Cases with high downstream sales shares but relatively low purchasing share by downstream entity as customer on upstream market

## Highly Asymmetric Market Position Upstream and Downstream: Customer Foreclosure



- Cases with relatively high combined market shares but limited increments to a pre-existing vertical integration

## Limited increment to pre-existing vertical integration



The present questionnaire also seeks to gather feedback in order to clarify certain aspects of the Notice on Simplified Procedure, namely on the scope and interpretation of the safeguards and exclusions in points 8ff of the Notice on Simplified Procedure.

1.1: Would the introduction of a flexibility clause in the Notice on Simplified Procedure for any of the following categories capture only cases that are generally unproblematic?

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Categories of cases	Yes, these cases are generally unproblematic	No, these cases may be problematic
The market share thresholds laid down in paragraph 5 of the Notice on Simplified procedure are marginally exceeded (e.g., by up to 1%)	<input checked="" type="radio"/>	<input type="radio"/>
The market share thresholds laid down in paragraph 5 of the Notice on Simplified procedure are exceeded by up to 5% (i.e., 20-25% for horizontal overlaps and 30-35% for vertical overlaps)	<input checked="" type="radio"/>	<input type="radio"/>
Cases of joint ventures with turnover or assets value slightly exceeding EUR 100 million (e.g., up to a turnover of EUR 150 million)	<input checked="" type="radio"/>	<input type="radio"/>

1.3 What would be the effect (in terms of reducing administrative burdens and costs) of introducing a flexibility clause for each of these categories? Please fill in the table indicating the scope of such effect (please take into account the potential effect of treating additional cases under the simplified procedure but also the potential effect of reducing the number of markets investigated in a case falling under the normal procedure).

	Significant reduction	Moderate reduction	No or negligible reduction
The market share thresholds laid down in paragraph 5 of the Notice on Simplified procedure are marginally exceeded (e.g., by up to 1%)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The market share thresholds laid down in paragraph 5 of the Notice on Simplified procedure are exceeded by up to 5% (i.e., 20-25% for horizontal overlaps and 30-35% for vertical overlaps)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Cases of joint ventures with turnover or assets value slightly exceeding EUR 100 million (e.g., up to a turnover of EUR 150 million)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
All the above combined (i.e. transactions slightly exceeding market share thresholds and slightly exceeding JV's turnover and assets value thresholds introduced together)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

#### 1.4 Please provide reasons for your answer if you consider it appropriate

*Text of 1 to 2000 characters will be accepted*

The IBA Mergers Working Group ("Working Group") supports the European Commission's ("Commission") objective of broadening the scope of concentrations that may utilize the simplified procedure. Indeed, year-on-year, the Commission reviews a significant number of notified concentrations that neither qualify for the simplified procedure, nor warrant intervention in the form of conditions or an in-depth Phase 2 review. The Working Group believes that expanding the scope of the simplified procedure would create efficiencies for businesses and the Commission alike, enabling the Commission to focus its resources on concentrations

that truly present risks to competition.

In this spirit, the Working Group appreciates the concept of a “flexibility clause” but also has concerns that, in practice, such a clause could be cumbersome and create uncertainties for companies as to whether their transaction qualifies for the simplified procedure. Parties to concentrations may have significant uncertainty as to what it means to “slightly” exceed the current thresholds. They may, for example, take little comfort from “flexibility” in market shares ranging from 1 to 5% (depending on the threshold), given that even published market share sources can vary. In effect, the “flexibility clause,” while well-intentioned, could create uncertainty that risks undermining the objective of extending the simplified process to more non-problematic concentrations.

For the remainder of this response, please see Annex in the submission uploaded under 5.1.

### 1.5 Would the introduction of each of the following categories in the Notice on Simplified Procedure capture only cases that are generally unproblematic?

Addition in categories of cases	Yes, these cases are generally unproblematic	No, these cases may be problematic	It depends on the thresholds introduced
Vertical cases with highly asymmetric market positions upstream and downstream: higher market shares upstream (e.g. up to 40%) but low market shares downstream (e.g. up to 5%)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vertical cases with highly asymmetric market positions upstream and downstream: lower market shares upstream (e.g. up to 5%) but higher market shares downstream (e.g. up to 40%)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vertical cases with high downstream sales shares but relatively low purchasing share by downstream entity as customer on the upstream market while the upstream sales share remains beneath the 30% threshold	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Cases with relatively high combined market shares but limited increments (upstream, downstream or both) to a pre-existing vertical integration	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

1.6 If you answered “it depends on the thresholds introduced”, what thresholds do you consider appropriate for each category of cases in order to capture generally unproblematic cases?

Category of cases	Maximum combined market shares of 5% in one market and a maximum combined market share of 40% in the other market.	Maximum combined market shares of 5% in one market and a maximum combined market share of 50% in the other market	Maximum combined market shares of 10% in one market and a maximum combined market share of 40% in the other market	Maximum combined market shares of 10% in one market and a maximum combined market share of 50% in the other market.	Other thresholds	No opinion /Not applicable
* Vertical cases with highly asymmetric market positions upstream and downstream	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you answered “it depends on the thresholds introduced”, what thresholds do you consider appropriate for each category of cases in order to capture generally unproblematic cases?

Category of cases	Maximum purchasing share of 5% and maximum downstream combined market of 50%	Maximum purchasing share of 10% and a maximum downstream combined market share of 50%.	Maximum purchasing share of 5% and no maximum downstream combined market share.	Maximum purchasing share of 10% and no maximum downstream combined market	Other thresholds	No opinion /Not applicable
Vertical cases with high downstream sales shares but relatively low purchasing share by downstream entity as customer on the upstream market while the upstream sales share remains beneath the 30% threshold	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>



If you answered “it depends on the thresholds introduced”, what thresholds do you consider appropriate for each category of cases in order to capture generally unproblematic cases?

Category of cases	Combined market shares are less than 50% upstream and downstream and the increment (delta) of the HHI resulting from the concentration is below 150 upstream and downstream.	Other thresholds	No opinion /Not applicable
Cases with relatively high combined market shares but limited increments (upstream, downstream or both) to a pre-existing vertical integration	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

\* 1.7 If you answered “Other thresholds” for any of the above categories, please indicate which thresholds would, in your view, capture generally unproblematic cases.

*Text of 1 to 2000 characters will be accepted*

The Working Group generally agrees that the concentrations that fall within the thresholds set out in the question above are unlikely to present significant risks to competition. This includes concentrations involving relatively high combined market shares (e.g. 50% or less) but limited increments (upstream, downstream or both) to a pre-existing vertical integration. The Working Group also agrees that this is the case where the parties’ market shares are less than 50% upstream and downstream, but it questions the inclusion of the HHI element of the threshold, requiring a delta of 150 or less.

As a practical matter, however, the Working Group is also concerned that these thresholds are limiting in practice and would likely exclude non-problematic transactions from accessing the simplified procedure. Relatively few cases involve parties with combined market shares up to 50% and an HHI Delta of 150 or less – even where the increment is limited. Bearing this in mind, the Working Group encourages the Commission to reassess whether the HHI Delta or a market share increment can be further broadened to extend the benefit of the simplified procedure to transactions resulting in negligible market share increases.

In this regard, the Working Group notes that the Commission’s own Horizontal Merger Guidelines state that the Commission is unlikely to identify horizontal competition concerns in a merger with a post-merger HHI between 1,000 and 2,000 and an HHI Delta below 250, or a merger with a post-merger HHI above 2,000 and an HHI Delta below 150, except in some limited, special circumstances. Likewise, the Commission’s Non-Horizontal Merger Guidelines make clear that the Commission is unlikely to be concerned where the market share post-merger in each market concerned where the post-merger HHI is below 2,000.

For the remainder of this response, please see Annex in the submission uploaded under 5.1.

1.9 What would be the effect (in terms of reducing administrative burdens and costs) of introducing each of the following categories of vertical cases? Please fill in the table indicating the scope of such effect (please take into account the potential effect of treating additional cases under the simplified procedure but also the potential effect of reducing the number of markets investigated in a case falling under the normal procedure).

	Significant reduction	Moderate reduction	No or negligible reduction
Vertical cases with higher market shares upstream (e.g. up to 40%) but low market shares downstream (e.g. up to 5%)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vertical cases with lower market shares upstream (e.g. up to 5%) but higher market shares downstream (e.g. up to 40%)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vertical cases with high downstream sales shares but relatively low purchasing share by downstream entity as customer on the upstream market while the upstream sales share remains beneath the 30% threshold	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cases with relatively high combined market shares but limited increments to a pre-existing vertical integration	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
All of the above introduced together	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

1.10 Please provide reasons for your answer if you consider it appropriate

*Text of 1 to 2000 characters will be accepted*

Increasing the categories of non-problematic cases that are eligible for the simplified procedure has the prospect to significantly reduce the administrative burdens on the parties and on the Commission alike, in each category identified in 1.09, and overall. Notifying parties would face reduced burdens relating to time and information requirements, and the Commission would likewise benefit as it would be able to devote greater resources to cases that can raise serious concerns. At the same time, as it has the power to revert to the normal procedure, expanding the scope of cases eligible for simplified treatment raises no serious risks of under-enforcement.

1.11 Do you consider that additional categories of simplified cases not included in the Commission's options discussed above should be included to capture generally unproblematic cases?

- Yes
- Yes, but only if additional safeguards are introduced at the same time
- No
-

No opinion

\* 1.12 If yes, please explain which additional categories of cases would merit a review under the simplified procedure and, where applicable, describe the additional safeguards that should be introduced at the same time to help to identify those cases that may be problematic and therefore should be treated under the normal procedure.

*Text of 1 to 2000 characters will be accepted*

The Working Group has identified two further issues for consideration:

1. Offshore Joint Ventures

First, the Working Group suggests that the Commission may wish to review the treatment of “offshore” joint ventures. Although transactions involving joint ventures with no, or a limited, presence in the EEA are already covered by Paragraph 5(a) of the Notice, the Working Group respectfully suggests that the EC should consider further reducing the administrative burdens on joint venture transactions that have no conceivable nexus to the EEA.

2. Referrals and the Simplified Procedure

The second issue identified by the Working Group relates to the blanket exclusion of transactions referred to the Commission under Article 22 of the EUMR or for which a request for referral is made under Article 9 of the EUMR, currently set out in Paragraph 20 of the Notice.

For the remainder of this response, please see Annex in the submission uploaded under 5.1.

1.13 Are the safeguards and exclusions in paragraphs 8ff of the Notice on Simplified Procedure sufficient and adequate to identify transactions a priori falling under the current categories of simplified cases, but which may be potentially problematic and therefore may merit a closer examination under the normal procedure? Please take into account potential horizontal, vertical or conglomerate effects in your reply.

- Yes, they are sufficient and adequate
- No, further or clearer safeguards and/or exclusions would be desirable
- No, they are excessive
- No opinion

1.15 Please rank the likelihood that each of the following factors could have a negative impact on competition (and therefore should be relevant for the decision whether a case merits a closer investigation under the normal procedure) despite being eligible for assessment under the simplified procedure:

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	Unlikely impact on competition in all cases	Potential impact on competition in certain cases	Likely impact on competition in certain cases
Number of competitors remaining	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Strength of the competitors remaining, including whether their market share exceeds the increment brought about by the transaction	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Shares thresholds are exceeded in terms of capacity shares or production shares	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
One of the merging parties is a recent entrant (entered the market in the last three years)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
One of the merging parties is an important innovator in the overlapping markets	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The Transaction gives rise to pipeline-to-pipeline (two products that are still being developed) or pipeline-to-marketed products (one product still in development but the other already available) overlaps	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Vertical overlaps exceed thresholds in distant levels of the value chain (in terms of market shares, capacity shares or production shares)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The activities of the merging parties overlap in highly differentiated products	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

### 1.16 Feel free to provide reasons for your answer if you consider it appropriate.

*Text of 1 to 2000 characters will be accepted*

The Working Group considers that each of the factors identified could potentially affect competition and could theoretically be relevant for the decision as to whether to revert to the normal procedure (in lieu of the simplified procedure). These factors, however, can be applied to the existing safeguards set out in the Notice. The Working Group does not believe that the existing safeguards need to be supplemented with additional factors.

### 1.17 Are there additional safeguards not considered in question 1.15 that you consider necessary to introduce?

- Yes
- No

## B.2 Streamlining the review of simplified cases

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The evaluation showed that, while the Simplification Package overall contributed to reducing the pre-notification phase in simplified cases, there still remain some practical constraints to shortening the pre-

notification phase further and to making full use of the invitation made in the 2013 Simplification Package to notify certain categories of cases directly without pre-notification. Clarifying certain information requirements could be useful in that respect, for instance by standardising simplified notifications further through tick-the-box forms that require fewer descriptions and allow for faster processing by the Commission. Furthermore, the Commission's assessment could be further streamlined by relying on statements of fact made by the merging parties under Article 4 of the EU Merger Regulation, without a need for further explanations or underlying evidence, in particular with respect to the assessment of jurisdictional questions in simplified cases and of the competitive assessment in cases without overlaps.

The following policy options are considered (the options could in principle be introduced cumulatively; options 2 and 3 would entail limiting certain information requirements and would therefore constitute an alternative to option 1 for certain parts of the notification forms):

**Option 1:** Maintaining the current information requirements but replacing the current notification form ("short Form CO") by a streamlined tick-the-box form, in full or in part.

**Option 2:** Introducing a streamlined review of jurisdiction in simplified cases with a tick-the-box list of statements on the basic facts relevant for the jurisdictional assessment, without the need to provide underlying evidence, thereby reducing or removing the need for pre-notification contacts on questions of jurisdiction.

**Option 3:** Introducing a streamlined review of the competitive assessment for simplified cases without overlaps with a tick-the-box list of statements on the basic facts relevant for the assessment, without the need to provide underlying evidence, thereby reducing or removing the need for pre-notification contacts on the assessment.

2.1 Are the current information requirements and format of the Short Form CO adequate and proportionate for the analysis of simplified cases?

- Yes
- No, the information requirements are excessive/less information should be requested in the Short Form CO
- No, the information requirements are insufficient/more information should be requested in the Short Form CO
- No, the current format (mainly descriptive text as opposed to a tick the box form) of the Short Form CO is neither adequate nor proportionate.
- No opinion

\* 2.2 If you answered "No" to the previous question, and as applicable, please explain (i) which information request(s) could be excluded from the Short Form CO or (ii) which additional information would be required in your view or (iii) how the format of the Short Form CO should be changed.

*Text of 1 to 2000 characters will be accepted*

Although the different sections that need to be filled out in the Short Form CO are less detailed than in the Form CO, the information requested is still very significant. Specifically, the information required in Section 1, Section 3, Section 6 and Section 7 could be substantially reduced.

Indeed, Section 1 could be limited to the executive summary described in point 1.2 as all information contained in point 1.1. is addressed thoroughly in other sections of the form.

Regarding Section 3, some information appears superfluous. This section could be limited to a brief description of the proposed concentration and the resulting structure of ownership and control and to the turnovers necessary to assess jurisdiction.

As regards Section 6, the requirements to describe every relevant market and to identify every plausible alternative reportable market are disproportionate as the transactions notified by means of a Short Form CO raise no competition issues. Indeed, the conditions under which a Short Form CO may be filled are strict and, additionally, if the Commission considers the transaction likely to raise competition concerns, it will require the parties to use a Form CO. Therefore, it would be proportionate to only describe concisely reportable markets deemed relevant by previous cases and the parties.

Accordingly, the amount of information required in Section 7 is excessive, since all the markets reported in Section 6, including alternative markets, are concerned. This implies a considerable amount of work beforehand, material costs and prolonged informal discussions with the case teams.

Finally, the only sections of the Form CO that are missing from the Short Form CO are Sections 8 and 9. However, it seems from section B.3 of this questionnaire that the Commission is considering dropping at least part of Section 8 of the Form CO, which would result in almost identical forms. This conveys that the information required in the Short Form CO is excessive.

### 2.3 Is the Short Form CO template easy to fill out, clear and user friendly?

- Yes
- No
- No opinion

### 2.4 Would you replace the current Short Form CO by a tick-the-box form?

- Yes, in full
- Yes, but only for some parts
- No
- No opinion

### 2.6 Please describe any improvements you would suggest to the current format of the Short Form CO.

*Text of 1 to 2000 characters will be accepted*

If the Commission chooses not to replace the current Short Form CO by a tick-the-box form, other improvements could be made such as the reduction of information required as previously stated in question 2.2.

The Commission could also provide businesses with a template to fill. Such a template could either be a

word document supplied by the Commission following the first informal contact or an online "smart form" (a form that adapts to the information that is inputted).

This form could include the same sections as the current Short Form CO but also comprise defined subdivisions and precise questions and boxes or charts to be filled in under each section to provide answers.

For instance, Section 4 regarding ownership and control could be replaced by two charts that would contain all relevant information such as the nature and means of control: (i) one concerning the undertakings or persons controlling the parties; and (ii) the other concerning all undertakings active in any reportable markets controlled by the parties or their controlling undertakings.

Similarly, for Section 6 regarding market definitions, the Commission could provide a document or a drop-down list in a "smart form", containing relevant market definitions by economic sector that have been defined by previous cases. An additional box would be added in order for the parties to describe any other relevant market if they deem it necessary.

Such streamlining could partly reduce the costs and the intensive information gathering for the undertakings concerned and likely streamline the Commission case team's review, as well.

**2.7. Would the following options entail any risk for effective enforcement of merger control rules (e.g. the Commission may not receive sufficient information to assess whether a transaction should be reviewed under the simplified procedure or not) or any other risk?**

	Yes, it would entail such risks	No, it would not entail such risks	No opinion
Maintaining the current information requirements but replacing the short Form CO by a streamlined tick-the-box form	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Introducing a streamlined review of jurisdiction in simplified cases with a tick-the-box list of statements on the basic facts relevant for the jurisdictional assessment, without the need to provide underlying evidence	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Introducing a streamlined review of the competitive assessment for simplified cases without overlaps with a tick-the-box list of statements on the basic facts relevant for the assessment, without the need to provide underlying evidence	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**2.9 What would be the effect in terms of reducing information requirements for businesses of introducing each of the following options? Please fill in the table indicating the scope of such effect.**

	Significant reduction	Moderate reduction	No or negligible reduction

Maintaining the current information requirements but replacing the current notification form ("short Form CO") by a streamlined tick-the-box form, in full or in part.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introducing a streamlined review of jurisdiction in simplified cases with a tick-the-box list of statements on the basic facts relevant for the jurisdictional assessment, without the need to provide underlying evidence, thereby reducing or removing the need for pre-notification contacts on questions of jurisdiction.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Introducing a streamlined review of the competitive assessment for simplified cases without overlaps with a tick-the-box list of statements on the basic facts relevant for the assessment, without the need to provide underlying evidence, thereby reducing or removing the need for pre-notification contacts on the assessment.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
All of the above introduced together	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

## 2.10 Please provide reasons for your answer if you consider it appropriate.

*Text of 1 to 2000 characters will be accepted*

Option 1 would only entail a significant reduction of information requirements if the Short Form CO was replaced in full by a streamlined tick-the-box form.

Option 2 would only moderately reduce the information requirements as most of the information required does not relate to jurisdiction.

Option 3 would not make a significant impact as it would be limited to cases with absolutely no overlaps.

## 2.11 What would be the effect in terms of reducing the average time needed to obtain a clearance decision in unproblematic cases of introducing each of the following options? Please fill in the table indicating the scope of such effect.

	Significant reduction	Moderate reduction	No or negligible reduction
Maintaining the current information requirements but replacing the current notification form ("short Form CO") by a streamlined tick-the-box form	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introducing a streamlined review of jurisdiction in simplified cases with a tick-the-box list of statements on the basic facts relevant for the jurisdictional assessment, without the need to provide underlying evidence, thereby reducing or removing the need for pre-notification contacts on questions of jurisdiction	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Introducing a streamlined review of the competitive assessment for simplified cases without overlaps with a tick-the-box list of statements on the basic facts relevant for the assessment, without the need to provide underlying evidence,	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>



thereby reducing or removing the need for pre-notification contacts on the assessment			
All of the above introduced together	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

## 2.12 Please provide reasons for your answer if you consider it appropriate.

*Text of 1 to 2000 characters will be accepted*

Similarly, as for question 2.10, the time reduction will only be significant for Option 1 if the Short Form CO is fully replaced or at least, significant parts such as Sections 3, 6,7 and 8 are entirely replaced.

Option 2 and 3 would also have limited impact as their scope is rather narrow.

## 2.13 Do you consider that additional measures not included in the Commission's current options should be introduced to further streamline the treatment of simplified cases?

- Yes
- No
- No opinion

## B.3 Streamlining the review of non-simplified cases

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Based on the experience gained by the Commission in its enforcement practice over the years, the Evaluation results showed that some information requirements in non-simplified cases could be streamlined. In particular, it could be appropriate to introduce modifications to the structure of the notification form and to reduce information requirements that may not be needed in specific case constellations.

The following policy options are considered (both options may be introduced cumulatively):

Option 1: Introducing modifications to the structure of the current notification form by separating sections for factual information and for advocacy (where the Parties could summarize their main arguments, on a voluntary basis) and by introducing a table with an overview of all affected markets.

Option 2: Identifying opt-out sections in section 8 of the Form CO to be waived by the Commission at the request of the Parties if appropriate, on a case-by-case basis.

The Commission will simultaneously explore whether certain additions should be made to the notification form for questions that the Commission asks regularly through requests for information, in order to provide increased transparency and predictability for notifying companies.

The Commission will simultaneously assess whether the notification forms for referrals could benefit from limited streamlining.

3.1 Are the current information requirements and format of the Form CO adequate and proportionate for the analysis of non-simplified cases?

- Yes
- No, the information requirements are excessive for all non-simplified cases /less information should be requested in the Form CO in all non-simplified cases.
- No, the information requirements are excessive for certain non-simplified cases/less information should be requested in the Form CO in certain non-simplified cases.
- No, the information requirements are not sufficient/more information should be requested in the Form CO for all non-simplified cases.
- No, the information requirements are not sufficient/more information should be requested in the Form CO for certain non-simplified cases
- No, the current format of the Form CO is neither adequate nor proportionate.
- No opinion

\* 3.2 If no, and as applicable, please explain (i) which information requirements(s) could be excluded from the Form CO or (ii) which additional information would be required in your view or (iii) how the format of the Form CO should be changed.

*Text of 1 to 2000 characters will be accepted*

The Form CO should include a separate/additional section for the competitive assessment. Under the current Form CO, it is common for this assessment to be included in Section 6 (the market definition section) and then referred back to in Section 7 (information on affected markets) or alternatively included in section 7 itself (with references regarding market definitions back to Section 6).

In addition, the Form CO should also include a suggested table for the parties to outline the relevant and/or affected markets, allowing the parties to present their data in an efficient format.

3.3 Is the Form CO template easy to fill out, clear and user friendly?

- Yes
- No
- No opinion

3.4 Please describe any improvements you would suggest to the current format of the Form CO.

*Text of 1 to 2000 characters will be accepted*

There is some repetition between Sections 7 and 8 (discussions regarding affected markets), and to some extent with Section 6 (market definitions). For example, supply and demand considerations (Sections 8.1 and 8.2), and closeness of competition (Section 8.3) are critical for the definition of relevant markets. This

results in Sections 7 and 8 becoming repetitive and/or only including ancillary information with it being difficult to determine what has already been discussed.

3.5 Would identifying opt-out sub-sections in section 8 of the Form CO – to be waived by the Commission at the request of the Parties if appropriate, on a case-by-case basis – entail any risk for effective enforcement of merger control rules (e.g. the Commission may not receive sufficient information to assess whether a transaction would raise competition concerns or not)?

- Yes, it would entail risks for effective enforcement
- No, it would not entail risks for effective enforcement
- No opinion

3.7 Which sub-sections in Section 8 of the Form CO are good candidates to be earmarked as potential opt-out sub-section?

*Text of 1 to 2000 characters will be accepted*

At least Sections 8.9 – 8.15 (inclusive) should be marked as opt-out sub-sections.

The information contained in these sections is not always relevant to the competitive assessment, and is often not readily available to the parties, with the additional information creating extra work for the parties and lengthening the pre-notification period.

3.8 What would be the effect (in terms of reducing administrative burdens and costs) of introducing each of the following options? Please fill in the table indicating the scope of such effect.

	Significant reduction	Moderate reduction	No or negligible reduction
Introducing modifications to the structure of the current notification form by separating sections for factual information and for advocacy (where the Parties could summarize their main arguments, on a voluntary basis)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Identifying opt-out sections in section 8 of the Form CO to be waived by the Commission at the request of the Parties if appropriate, on a case-by-case basis	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
All of the above introduced together	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

3.9 Please provide reasons for your answer if you consider it appropriate

*Text of 1 to 2000 characters will be accepted*

Separating factual information and advocacy will result in repetition of facts across both sections. Typically, a thorough and detailed argument relies on a comprehensive set of facts. However, if the facts have already been included in a separate section of the Form CO, they would need to be repeated in the advocacy

section or there would need to be substantial cross referencing between the factual and advocacy sections, resulting in the advocacy section in particular being difficult to read. Therefore, the Working Group does not believe that it would be helpful to introduce separate sections for factual information and advocacy.

With regards to potential for opt-outs for parts of Section 8 of the Form CO, the Working Group does not think that this would be helpful. Substantial amounts of the information that are required to completely answer Section 8 are typically not readily accessible for the parties. As examples, parties typically do not actively monitor the importance of research and development on their ability to compete in the long term, or the contact details of their competitors. Therefore, the parties have to invest substantial time and effort during the pre-notification process to gather this information, frequently causing delay and expense during pre-notification. The overall result is that parties are forced to wait longer for decisions, and to spend more money on the transaction.

3.10 Do you consider that additional measures not included in the Commission's current options should be introduced to further streamline the treatment of non-simplified cases?

- Yes
- No

\* 3.11 If yes, please explain which additional measures should be introduced.

*Text of 1 to 2000 characters will be accepted*

The introduction of a standalone executive summary would streamline the treatment of non-simplified cases. Section 1 (description of the concentration) is focused on the factual background whereas a standalone executive summary would allow the parties to present a summary of their advocacy, identifying key arguments that are thematic throughout the Form CO. This executive summary would be particularly beneficial in complex transactions, where the structure of the Form CO can be complicated.

3.12 Do you consider that the Form RS for referrals should be streamlined?

- Yes, for both Article 4(4) and 4(5) referrals
- Yes, for 4(4) referrals only
- Yes, for 4(5) referrals only
- No
- No opinion

\* 3.13 If yes, please explain which information you do not consider necessary for the assessment of referrals, identifying specific sections of the Form RS (please explain your answer with respect to both Article 4(4) and Article 4(5) referrals).

*Text of 1 to 2000 characters will be accepted*

For Article 4(5) referrals, the Working Group believes that the Form RS is not necessary and that it can be removed altogether. In lieu of the Form RS, a brief section can simply be added to the Form CO in which the parties are asked to identify whether their case is a referral case and if so, provide brief details as to why the case is appropriate for referral, and provide any necessary jurisdictional information (currently Section 6.3 of

Form RS). In making this suggestion, the Working Group recognises that as part of the Article 4(5) referral process, the Commission sends the Member States a copy of the Form RS to the Member States, triggering a 15 working day period in which any Member State(s) competent to examine the concentration under its national competition law can object. The Working Group's suggestion to replace the Form RS with the Form CO would not impact this process; rather, the Working Group merely suggests that the Member State decision-making process be made on the basis of the Form CO, not the Form RS.

Assuming that the Form RS is retained, the Working Group considers that the following specific sections of the Form RS that can be streamlined. For both Article 4(4) and Article 4(5) referrals (if the latter is retained), the information provided in Section 1 (background information), Section 5 (details of the referral request and the reasons why the case should be referred) and Section 6 (declaration) should be adequate.

For the remainder of this response, please see Annex in the submission uploaded under 5.1.

### 3.14 Do you consider it appropriate to replace the current Form RS by a streamlined tick-the-box form, in full or in part?

- Yes
- No
- No opinion

## B.4 Introducing electronic notifications

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The Commission is currently allowing businesses to notify their merger cases electronically due to the Covid-19 restrictions. It would be beneficial to clarify the notification rules permanently in this respect to ensure safe, reliable and cost-efficient document transmissions.

The following policy options are considered (Options 1 and 2 are alternatives)

Option 1: Allowing electronic notifications to be followed by originals on paper without delay

Option 2: Introducing fully digital notifications, including digital signatures

### 4.1 Would you use electronic notifications, either followed by originals in papers or fully electronic notifications?

	Yes, I would use this system	No, I would not make use of this possibility	No opinion
Electronic notifications followed by originals on paper	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fully electronic notifications, including digital signatures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

4.3 Please explain the main advantages/disadvantages of both options

	Advantages	Disadvantages
Electronic notifications followed by originals on paper	Allows parties to submit notifications more efficiently and quickly	Undermines benefits of electronic submissions if original hard copies are still required
Fully electronic notifications, including digital signatures	As above plus significant environmental benefit where paper-less	None

4.4 What would be the effect in terms of facilitating the notification of concentrations of introducing each of the following options? Please fill in the table indicating the scope of such effect.

	Significantly facilitated	Moderately facilitated	Not facilitated (or only minimally)
Allowing electronic notifications, to be followed by originals on paper without delay	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Allowing electronic notifications, introducing fully digital notifications, including digital signatures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

4.5 Please provide reasons for your answer if you consider it appropriate

*Text of 1 to 2000 characters will be accepted*

4.6 Do you consider that additional measures not included in the Commission's current options should be introduced to facilitate the notification of concentrations?

- Yes
- No

## B.5 Additional information

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5.1 Please feel free to upload a concise document, such as a position paper, explaining your views in more detail or including additional information and data. Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

**7baa729e-7e8d-4328-9fc3-ac29504c2804/EUMR\_simplification\_cover\_submission\_\_final\_.doc**

5.2 Do you have any further comments on this initiative on aspects not covered by the previous questions?

*Text of 1 to 3000 characters will be accepted*

No.

5.3 You may also provide additional information which may be relevant for this initiative (copies of any documents, reports, studies etc.). Please upload the information in files with a maximum size of 1 MB each, using the button below.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

\* 5.4 Please indicate whether the Commission services may contact you for further details on the information submitted, if required.

Yes

No

### Contact

COMP-SIMPLIFICATION\_IMPACT\_ASSESSMENT@ec.europa.eu