

European Commission

DG COMP / UNIT A2

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Contribution to the European Commission’s Inception Impact Assessment on the Revision of Commission Regulation (EC) No 802/2004 implementing Council Regulation No 139/2004 on the control of concentrations between undertakings (“Implementing Regulation”) and of the Commission Notice on a simplified procedure for treatment of certain concentrations (“Notice on Simplified Procedure”).

The Danish Chamber of Commerce welcomes the opportunity to provide input on the European Commission’s abovementioned Inception Impact Assessment.

The Danish Chamber of Commerce supports the Commission’s initiative to address the potential for further targeting and simplification of the Implementing Regulation and the Notice on Simplified Procedure.

While we are generally not opposed to such revisions, we also do not see a need for a fundamental overhaul of neither the Implementing Regulation nor the Notice on Simplified Procedure. Furthermore, we would strongly oppose any suggestion to automatically treat cases concerning certain sectors, products or services under the simplified procedure. We can however support the suggestion to introduce a flexibility clause in the Notice on Simplified Procedure, giving the Commission discretion to treat cases under the simplified procedure under certain circumstances that raise no competition concerns.

Finally, it is important to ensure, that any revision of the Implementing Regulation and/or the Notice on Simplified Procedure is coherent with the other initiatives that the Commission has on this area, specially the focus on killer acquisitions as well as any upcoming regulation included or reflected in the proposal on the Digital Markets Act.

The Danish Chamber of Commerce will of course be available for further consultations as the need may arise and will also be happy to elaborate on the points made or enter further discussion if needed.

Best regards,

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