



THE EXCHANGE OF INFORMATION BETWEEN MEMBERS ON MULTIJURISDICTIONAL MERGERS

PROCEDURES GUIDE

1. The European Competition Authorities (ECA) consists of the competition authorities in the European Economic Area (EEA) (the 15 Member States of the European Community, the European Commission, and of the EEA EFTA States and the EFTA Surveillance Authority).
2. The ECA has been considering ways in which the processing of mergers subject to investigation in more than one country (multi-jurisdictional mergers) can be made easier, both for the parties to the merger and the authorities, whilst ensuring that co-operation between members takes place as far as national legislation allows this. The ECA has agreed upon the following arrangements.
3. When an ECA authority is informed by the notifying parties to a merger that they have also notified or will be notifying the merger to other authorities within the ECA, the relevant official (the case officer or contact person) within that authority will, as soon as possible, send by e-mail an ECA Notice to the relevant officials in the other ECA authorities informing them of the fact of notification, and seeking the names of the relevant officials in those other ECA authorities. Recipients of the parties' notification will confirm its receipt to the relevant ECA officials. (A model ECA Notice is attached as Annex A.)
4. The relevant officials of the notified ECA authorities will then make contact direct and exchange views on the case without exchanging confidential information (unless national legislation makes this possible). The relevant officials will keep each other informed of the development of the case as appropriate. Where national legislation prevents the exchange of confidential information and it seems likely that (a) the analysis will demonstrate a competition problem worthy of further investigation or, potentially, remedy, and (b) an exchange of confidential information will benefit the analysis of the case or make it easier to identify an appropriate remedy, the authorities may seek permission from the parties to exchange confidential information. Without such permission, there will be no exchange of such information.
5. This note may be developed further and expanded from time to time as the authorities' experience of these arrangements develops.



Annex A

MODEL ECA NOTICE

Date:

As agreed by the ECA, the _____ Competition Authority would like to inform you that the following transaction has been notified to it:

Notified transaction	
Ultimate parent or group companies of undertakings concerned	
Relevant economic sector(s) (and, where possible, relevant product market(s))	
Relevant geographic area(s) (and, where possible, relevant geographic market(s))	
Date of notification	
Provisional deadline	
Relevant official(s): E-mail: Telephone:	
Other Member States concerned	