From: Pereira Nogueira, Sara
Sent: Wednesday, June 1, 2022 5:20 PM
To: COMP A2 MAIL <COMP-A2-MAIL@ec.europa.eu>;
Cc: [redacted]
Subject: HT.6038 - Simplification of merger procedures - public consultation on revised draft Merger Implementing Regulation and Simplified Procedure Notice

Dear colleagues,

Following the public consultation on revised draft Merger Implementing Regulation and Simplified Procedure Notice, these are the views of the CNMC with regard to:

(i) the changes that aim to limit the administrative burden for the Commission and merging parties in non-problematic cases.

The CNMC values positively the changes introduced in order to limit administrative burden in non- problematic cases, both the changes to increase and clarify the cases that would fall under simplified procedure, as well as the simplification of the Short Form Co and the introduction of electronic filling and exchange of communications and documents with the parties. The CNMC has been using (exclusively) electronic filling and electronic exchange of information and documents with parties for over a decade and it has proved to be a very efficient, simple, quick and environmentally friendly way of organize, process and store information and documents of cases.

(ii) the safeguards that we propose to introduce in the Simplified Procedure Notice and the new Short Form CO, ensuring that we can review under the normal procedure any case that deserves a closer look.

As for the safeguards proposed to ensure that the DGCOMP can review under the normal procedure any case that deserves a closer look, the CNMC thinks that they are necessary as well. However it seems that these safeguards together with the new and existing thresholds for simplified procedure may unduly complicate the assessment both of the parties as well as of the DGCOMP to determine whether a case should fall under simplified or under normal procedure. It could be easier and more straightforward, just to say that the DGCOMP may anytime decide to look a particular simplified case, under normal procedure if it consider it necessary (and viceversa).

Kind regards,

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