Position of the Austrian Federal Ministry for Digital and Economic Affairs

Merger control in the EU – simplification of procedures

The Austrian Federal Ministry for Digital and Economic Affairs welcomes the intention of the European Commission to simplify the EU merger control procedure and to make it more efficient. The digital transmission of documents in the context of EU merger control is supported. The transmission of documents to and from the Commission should take place in principle through digital means. An electronic registration without the transmission of further paper copies appears administratively efficient. However we strongly regret, that the **consultation process is limited to procedural questions. We urge for a timely process on modernizing merger control in substantive issues** in order to take account of the challenges of globalization and digitalisation.

A key substantive issue that should be considered when discussing a modernized EU merger control regime is the introduction of **transaction values**. In Austria, new thresholds were introduced in 2017 in order to adapt competition law to the changes due to technical developments. Mergers where companies, which generate little or no turnover, are purchased at a high price can be examined under competition law. The value of digital companies is mostly the availability of data. We do not see the new interpretation of Art. 22 Merger Regulation as a sufficient and reliable solution. Furthermore we do need the discussion about the challenges concerning globalisation and the consequences of the crisis.

The ministries as the competent institutions at Member State Level for deep discussions on policy reviews miss serious involvement and the discussion in the relevant groups (e.g. ECN Merger Working Group) at European level.