

**TABLE 5**

**FRANCE**

Stature	General Motivation	Merger Definition	Merger Test	Defences, Exemptions	Decision-Making Body	Enforcement
<p>Ordinance No.86-1242 of December 1, 1986</p>	<ul style="list-style-type: none"> <li>•competition plus general public policy</li> </ul>	<ul style="list-style-type: none"> <li>•a "concentration" (merger) results from any act, in whatever form, which transfers ownership or possession of all or part of an entity's assets, rights, obligations, or the purpose or effect of which is to enable one or more entities to exercise, directly or indirectly, a determinative influence over one or several other previously separate entities</li> </ul>	<ul style="list-style-type: none"> <li>•"of a type which would restrain competition particularly through the creation or the reinforcement of a dominant market position in France or a substantial part of it"</li> </ul>	<p><u>Thresholds</u></p> <ul style="list-style-type: none"> <li>•(a) merger parties account for more than 25% of sales, purchases or other transactions for relevant goods, products or services in France or a substantial part thereof, or</li> <li>(b) a total annual turnover of more than 7 billion FF</li> <li>•no explicit statutory defences, exemptions or immunities, however, conditional approval on fulfilment of "obligations which sufficiently contribute to economic and social progress in order to compensate for restraint of competition"</li> </ul>	<p><u>Political</u></p> <ul style="list-style-type: none"> <li>•Minister of Economy, Finance and Budget</li> <li>•other Ministers whose areas of responsibility are affected have a role</li> <li>•Competition Council (purely advisory)</li> <li>•<i>ultra vires</i> review by Conseil d'Etat</li> </ul>	<p>Direction Général (under authority of the Minister)</p>