

Statements that have been made by the Commissioner responsible for competition policy (Sir Leon Brittan) also suggest that non-competition factors are not intended to have a major impact on the analysis of concentrations under the Merger Control Regulation. In this regard, Commissioner Brittan has stated:

.... companies that are allowed to operate in a monopolistic way in their own home markets, whether those are national or European, are in fact unlikely to become world beaters. Without the spur of competition in their own market they will inevitably be tempted to rely on and reinforce their dominance of that market and will not have the cutting edge needed to secure success on the world stage. Size will never be sufficient to ensure this success. And size brought about by the destruction of effective competition is likely to be a trap, rather than a spur.⁴³

Commissioner Brittan, therefore, has rejected the argument that EC companies should be permitted to combine on a large scale merely to help them obtain a dominant position vis-à-vis firms from other countries.

The current position of Commissioner Brittan regarding merger control and industrial policy, however, does not guarantee that political and industrial policy considerations will remain outside of the EC merger review process over the longer term. As noted, such considerations might influence the analysis of concentrations through a number of features of the Regulation, such as the requirement to examine the implications of concentrations in relation to the market integration objectives of the EEC Treaty. In addition, strong pressure to take social, industrial and other policy considerations into account when applying the Merger Control Regulation may eventually be created by the composition of the EC Commission, which includes Commissioners having responsibility for all areas of EC policy. It has been argued that the diverse backgrounds of the Commissioners could create pressure on competition authorities to take other policy areas into account when applying the Regulation, as well as help to obscure the actual bases for decisions.⁴⁴