

**TABLE 3**  
**EUROPEAN ECONOMIC COMMUNITY**

Stature	General Motivation	Merger Definition	Merger Test	Defences, Exemptions	Decision-Making Body	Enforcement
<ul style="list-style-type: none"> <li>● Merger Control Regulation 4064/89</li> <li>● (Articles 85-86 Treaty of Rome)</li> </ul>	<ul style="list-style-type: none"> <li>● competition</li> <li>● "fundamental objectives of the EEC Treaty"</li> </ul>	<ul style="list-style-type: none"> <li>● a "concentration" or merger occurs when</li> <li>(a) two or more independent undertakings merge, or</li> <li>(b) one or more persons already controlling at least one undertaking, acquire direct or indirect control of the whole or parts of at least one other undertaking</li> <li>● covers mergers outside EEC</li> </ul>	<ul style="list-style-type: none"> <li>● "Compatible/incompatible with the Common Market" test: whether or not merger creates or strengthens a dominant position as a result of which effective competition would be significantly impeded in the Common Market, or in a substantial part of it</li> <li>● market share of 25% or less deemed not liable to impede effective competition</li> <li>● "safeguard clause" for member states</li> <li>● applies only to mergers of a certain size - see <u>Defences, Exemptions</u></li> </ul>	<p><u>"Community Dimension" Threshold</u></p> <ul style="list-style-type: none"> <li>● (a) combined aggregate world-wide turnover of all undertakings more than ECU 5,000 million (U.S. \$8,000 million), and</li> <li>(b) aggregate community-wide turnover of each of at least two undertakings more than ECU 250 million (U.S. \$300 million); unless</li> <li>(c) each of the undertakings obtains more than 2/3 of its aggregate community-wide turnover within one member state</li> <li>● joint ventures exemption</li> <li>● temporary securities holding exemption</li> </ul>	<ul style="list-style-type: none"> <li>● Mergers Task Force, Directorate General IV</li> </ul>	<ul style="list-style-type: none"> <li>● European Economic Commission (for all mergers over thresholds)</li> <li>● Member State national competition authorities (for all mergers below thresholds)</li> </ul> <p><u>Review</u></p> <ul style="list-style-type: none"> <li>● Court of First Instance, Court of Justice</li> </ul>