22. The potential application of Articles 85 and 86 of the Merger Control Regulation to concentrations not having a Community dimension is discussed in Christopher Jones, "The Scope of Application of the Merger Regulation" (Draft), presented at the Fordham Corporate Law Institute Seminar on International Mergers and Joint Ventures, New York, October 18-19, 1990, section III(5).

23. The introduction to the Regulation includes the presumption that concentrations between undertakings having only limited market share, less than 25%, in the whole or a substantial part of the common market are unlikely to have such effects.

24. Merger Control Regulation, Article 2(1)(a).

25. See sections 93 and 96 of the Competition Act, (1986) R.S., c. C-23, as compared to Article 2(1) of the Merger Control Regulation.

26. The potential for factors other than those relating to competition to influence the analysis of concentrations under the Merger Control Regulation has been raised by a number of commentators including, among others, James S. Venit, supra, note 15.

27. See, generally, Form Co. Relating to the Notification of a Concentration Pursuant to Council Regulation (EEC) 4064/89, reprinted in OJ No L 219, 14.8.1990.

28. Id., Annex I, Introduction.

29. Merger Control Regulation, Article 14.

30. Id., Article 4(2).

31. Id., Article 18.

32. Id., Articles 8(2)-(3), 14 and 15. If the conditions for making a concentration compatible with the common market are not complied with, the Commission can impose periodic penalty payments of up to 100,000 ECU per day.

33. Id., Articles 8(4), 15(2)(c) and 14(2)(b).

34. For discussion of the relevant legislation of the Member States, see Barry E. Hawk, supra, note 7, pp. 227-32.