

such problems may be even further complicated by the need to deal with personnel from a number of different countries, as well as different backgrounds in the area of competition policy and merger control.

The EC Commission, however, will have only a limited amount of resources available for implementing the Merger Control Regulation - the EC Director General for Competition Policy has indicated that a 46 member task force will be overseeing this area of competition policy for the entire Community.³⁸ Given these constraints, effective use of informal channels for discussion with EC competition authorities before and after notification may be highly beneficial for helping the Commission to come to more rapid and well-reasoned decisions.

3.3 Implications of the Regulation for the Overlap of Merger Control in the EC

The Merger Control Regulation should go some way toward reducing the undue costs and uncertainty that have been involved in merger proceedings in the EC due to the overlap of jurisdiction in the merger area between the EC Commission and the Member States. Large concentrations having a Community dimension, except in certain cases, should be under the sole jurisdiction of the EC Commission. For these concentrations, the procedures set forth in the Regulation should provide for more rapid and certain review by EC competition authorities.³⁹

The possible exceptions to the EC Commission's sole jurisdiction over mergers having a Community dimension may, however, restrict the potential benefits of the Regulation. For example, the Regulation does not prevent the Member States from intervening in regard to large concentrations for public safety and other reasons that are considered to be consistent with the principles of the Community. The existence of these exceptions, plus possible uncertainty concerning whether or not a concentration actually meets the Community dimension criteria, may make it prudent for participants in concentrations to continue to approach both EC and national competition authorities.⁴⁰

The Regulation, as noted, does not specifically rule out the potential for overlapping application of Community and national competition legislation to