

REVIEW MERGER GUIDELINES

Fields marked with * are mandatory.

Introduction

I. Introduction

1.1 Background and aim of the questionnaire

In line with the objectives of the EU Treaties, EU competition rules aim to enable a dynamic and well-functioning internal market, by making sure all businesses are able to compete effectively, and to prevent market distortions that can harm consumers – and ultimately damage productivity and economic growth. While companies combining forces through mergers can generate efficiencies and bring benefits to the EU economy, some mergers may reduce competition.

Article 2 of the EU Merger Regulation requires the Commission to assess whether a merger would “significantly impede effective competition, in particular as a result of the creation or strengthening of a dominant position”. Where the Commission finds no such impediment the merger is to be approved; if, alternatively, the Commission concludes that the merger would lead to such an impediment, and unless adequate measures remedying this impediment are put forward by merging parties the merger is to be declared incompatible with the internal market.

Mergers can involve companies that are actual or potential competitors on the same market (“horizontal mergers”) or companies that are active on different levels of the supply chain (e.g. one supplies the other with an input) or in neighbouring markets (“non-horizontal mergers”). To provide guidance on how it assesses these different types of mergers, the Commission has issued guidelines: the Horizontal Merger Guidelines (published in 2004) and the Non-Horizontal Merger Guidelines (published in 2008) (the “Guidelines”).

Like all competition tools, EU merger control needs to remain fit for purpose, as market realities change around it. The objective of merger control, in accordance with the EU Merger Regulation, remains valid and unchanged – ensuring mergers do not distort competition in the internal market. However, in the respectively twenty-one and sixteen years since the adoption of the Guidelines there have been significant market trends and developments that have changed the dynamics of competition. The Commission’s assessment of mergers under the Merger Regulation has equally evolved, to capture those new realities and protect competition within them. In all these years, there has also been relevant case law of the Court of Justice, which has informed the Commission’s interpretation of the Merger Regulation and its Guidelines.

In light of these factors, which apply equally to both the Horizontal and Non-Horizontal Merger Guidelines, the Commission is proposing to revise both sets of guidelines in a holistic exercise. The goal is to ensure the Guidelines are up-to-date in order to allow the Commission to continue to protect competition under the

Merger Regulation in evolving market realities, while not intervening in transactions that do not harm competition. In addition, the revised merger guidelines should provide increased transparency and predictability to the business community as to how the Commission assesses mergers today. The Commission will conduct concurrently both an Evaluation and an Impact Assessment to support the review of the Guidelines.

We welcome your input on how the Commission should assess mergers within the framework of the EU Merger Regulation and the principles that should underpin its revised Guidelines.

This questionnaire aims at collecting facts, views and evidence from the public and other stakeholders that will help the Commission determine how to adequately update its Guidelines. It represents one of the methods of information gathering in the context of the revision of the Guidelines.

The Commission will summarise the results of this consultation in a report, which will be published on the Commission's "Have Your Say" platform.

Nothing in this questionnaire should be interpreted as stating an official position of the European Commission.

1.2 Submission of your contribution

Please reply to this public consultation by responding to the questionnaire online. You may include documents and URLs for relevant online content in your replies.

You are not obliged to complete the questionnaire all at once; you have the option of saving your responses as a "draft" and finalising them later. To do this you should click on "Save as Draft" and save the new link that you will receive from the EUSurvey tool on your computer. Please note that without this new link you will not be able to access your questionnaire again to continue working on your response.

If you have any questions, you can contact us via the following functional mailbox: [COMP MG REVIEW](#). In case of technical problems, please contact the Commission's [CENTRAL HELPDESK](#).

1.3 Duration of the consultation

The consultation on this questionnaire will be open for 16 weeks.

About you

*** Language of my contribution**

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☐ English

- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

* First name

* Surname

* Email (this won't be published)

* Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

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| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |

<input type="radio"/> Albania	<input type="radio"/> Dominican Republic	<input type="radio"/> Lithuania	<input type="radio"/> Saint Vincent and the Grenadines
<input type="radio"/> Algeria	<input type="radio"/> Ecuador	<input type="radio"/> Luxembourg	<input type="radio"/> Samoa
<input type="radio"/> American Samoa	<input type="radio"/> Egypt	<input type="radio"/> Macau	<input type="radio"/> San Marino
<input type="radio"/> Andorra	<input type="radio"/> El Salvador	<input type="radio"/> Madagascar	<input type="radio"/> São Tomé and Príncipe
<input type="radio"/> Angola	<input type="radio"/> Equatorial Guinea	<input type="radio"/> Malawi	<input type="radio"/> Saudi Arabia
<input type="radio"/> Anguilla	<input type="radio"/> Eritrea	<input type="radio"/> Malaysia	<input type="radio"/> Senegal
<input type="radio"/> Antarctica	<input type="radio"/> Estonia	<input type="radio"/> Maldives	<input type="radio"/> Serbia
<input type="radio"/> Antigua and Barbuda	<input type="radio"/> Eswatini	<input type="radio"/> Mali	<input type="radio"/> Seychelles
<input type="radio"/> Argentina	<input type="radio"/> Ethiopia	<input type="radio"/> Malta	<input type="radio"/> Sierra Leone
<input type="radio"/> Armenia	<input type="radio"/> Falkland Islands	<input type="radio"/> Marshall Islands	<input type="radio"/> Singapore
<input type="radio"/> Aruba	<input type="radio"/> Faroe Islands	<input type="radio"/> Martinique	<input type="radio"/> Sint Maarten
<input type="radio"/> Australia	<input type="radio"/> Fiji	<input type="radio"/> Mauritania	<input type="radio"/> Slovakia
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<input type="radio"/> Azerbaijan	<input type="radio"/> France	<input type="radio"/> Mayotte	<input type="radio"/> Solomon Islands
<input type="radio"/> Bahamas	<input type="radio"/> French Guiana	<input type="radio"/> Mexico	<input type="radio"/> Somalia
<input type="radio"/> Bahrain	<input type="radio"/> French Polynesia	<input type="radio"/> Micronesia	<input type="radio"/> South Africa
<input type="radio"/> Bangladesh	<input type="radio"/> French Southern and Antarctic Lands	<input type="radio"/> Moldova	<input type="radio"/> South Georgia and the South Sandwich Islands
<input type="radio"/> Barbados	<input type="radio"/> Gabon	<input type="radio"/> Monaco	<input type="radio"/> South Korea
<input type="radio"/> Belarus	<input type="radio"/> Georgia	<input type="radio"/> Mongolia	<input type="radio"/> South Sudan
<input type="radio"/> Belgium	<input type="radio"/> Germany	<input type="radio"/> Montenegro	<input type="radio"/> Spain
<input type="radio"/> Belize	<input type="radio"/> Ghana	<input type="radio"/> Montserrat	<input type="radio"/> Sri Lanka
<input type="radio"/> Benin	<input type="radio"/> Gibraltar	<input type="radio"/> Morocco	<input type="radio"/> Sudan
<input type="radio"/> Bermuda	<input type="radio"/> Greece	<input type="radio"/> Mozambique	<input type="radio"/> Suriname
<input type="radio"/> Bhutan	<input type="radio"/> Greenland	<input type="radio"/> Myanmar/Burma	<input type="radio"/> Svalbard and Jan Mayen
<input type="radio"/> Bolivia	<input type="radio"/> Grenada	<input type="radio"/> Namibia	<input type="radio"/> Sweden

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| <input type="radio"/> Bonaire Saint Eustatius and Saba | <input type="radio"/> Guadeloupe | <input type="radio"/> Nauru | <input type="radio"/> Switzerland |
| <input type="radio"/> Bosnia and Herzegovina | <input type="radio"/> Guam | <input type="radio"/> Nepal | <input type="radio"/> Syria |
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| <input type="radio"/> Bouvet Island | <input type="radio"/> Guernsey | <input type="radio"/> New Caledonia | <input type="radio"/> Tajikistan |
| <input type="radio"/> Brazil | <input type="radio"/> Guinea | <input type="radio"/> New Zealand | <input type="radio"/> Tanzania |
| <input type="radio"/> British Indian Ocean Territory | <input type="radio"/> Guinea-Bissau | <input type="radio"/> Nicaragua | <input type="radio"/> Thailand |
| <input type="radio"/> British Virgin Islands | <input type="radio"/> Guyana | <input type="radio"/> Niger | <input type="radio"/> The Gambia |
| <input type="radio"/> Brunei | <input type="radio"/> Haiti | <input type="radio"/> Nigeria | <input type="radio"/> Timor-Leste |
| <input type="radio"/> Bulgaria | <input type="radio"/> Heard Island and McDonald Islands | <input type="radio"/> Niue | <input type="radio"/> Togo |
| <input type="radio"/> Burkina Faso | <input type="radio"/> Honduras | <input type="radio"/> Norfolk Island | <input type="radio"/> Tokelau |
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| <input type="radio"/> Cambodia | <input type="radio"/> Hungary | <input type="radio"/> North Korea | <input type="radio"/> Trinidad and Tobago |
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| <input type="radio"/> Canada | <input type="radio"/> India | <input type="radio"/> Norway | <input type="radio"/> Türkiye |
| <input type="radio"/> Cape Verde | <input type="radio"/> Indonesia | <input type="radio"/> Oman | <input type="radio"/> Turkmenistan |
| <input type="radio"/> Cayman Islands | <input type="radio"/> Iran | <input type="radio"/> Pakistan | <input type="radio"/> Turks and Caicos Islands |
| <input type="radio"/> Central African Republic | <input type="radio"/> Iraq | <input type="radio"/> Palau | <input type="radio"/> Tuvalu |
| <input type="radio"/> Chad | <input type="radio"/> Ireland | <input type="radio"/> Palestine | <input type="radio"/> Uganda |
| <input type="radio"/> Chile | <input type="radio"/> Isle of Man | <input type="radio"/> Panama | <input type="radio"/> Ukraine |
| <input type="radio"/> China | <input type="radio"/> Israel | <input type="radio"/> Papua New Guinea | <input type="radio"/> United Arab Emirates |
| <input type="radio"/> Christmas Island | <input type="radio"/> Italy | <input type="radio"/> Paraguay | <input type="radio"/> United Kingdom |
| <input type="radio"/> Clipperton | <input type="radio"/> Jamaica | <input type="radio"/> Peru | <input type="radio"/> United States |

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| <input type="radio"/> Cocos (Keeling) Islands | <input type="radio"/> Japan | <input type="radio"/> Philippines | <input type="radio"/> United States Minor Outlying Islands |
| <input type="radio"/> Colombia | <input type="radio"/> Jersey | <input type="radio"/> Pitcairn Islands | <input type="radio"/> Uruguay |
| <input type="radio"/> Comoros | <input type="radio"/> Jordan | <input type="radio"/> Poland | <input type="radio"/> US Virgin Islands |
| <input type="radio"/> Congo | <input type="radio"/> Kazakhstan | <input type="radio"/> Portugal | <input type="radio"/> Uzbekistan |
| <input type="radio"/> Cook Islands | <input type="radio"/> Kenya | <input type="radio"/> Puerto Rico | <input type="radio"/> Vanuatu |
| <input type="radio"/> Costa Rica | <input type="radio"/> Kiribati | <input type="radio"/> Qatar | <input type="radio"/> Vatican City |
| <input type="radio"/> Côte d'Ivoire | <input type="radio"/> Kosovo | <input type="radio"/> Réunion | <input type="radio"/> Venezuela |
| <input type="radio"/> Croatia | <input type="radio"/> Kuwait | <input type="radio"/> Romania | <input type="radio"/> Vietnam |
| <input type="radio"/> Cuba | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Russia | <input type="radio"/> Wallis and Futuna |
| <input type="radio"/> Curaçao | <input type="radio"/> Laos | <input type="radio"/> Rwanda | <input type="radio"/> Western Sahara |
| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Yemen |
| <input type="radio"/> Czechia | <input type="radio"/> Lebanon | <input type="radio"/> Saint Helena, Ascension and Tristan da Cunha | <input type="radio"/> Zambia |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Kitts and Nevis | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Lucia | |

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Company/business
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority
- ☐ Trade union
- ☐ Other

* If you are giving your contribution for the company / organisation for which you work, or on behalf of a client, please specify the main function / activity of the company / organisation or client:

Text of 1 to 600 characters will be accepted

* If you are giving your contribution for the company / organisation for which you work, or on behalf of a client, please indicate in which sector it is active (multiple options possible). More details on digital, deep tech innovation, clean and resource efficient technologies, biotechnologies are available in the Commission Guidance Note concerning certain provisions of [Regulation \(EU\) 2024/795](#) establishing the Strategic Technologies for Europe Platform (STEP):

between 1 and 16 choices

MULTIPLE OPTIONS POSSIBLE

- ☐ Agriculture / agri-food
- ☐ Automotive
- ☐ Biotechnologies
- ☐ Clean and resource efficient technologies
- ☐ Construction
- ☐ Consumer goods
- ☐ Deep tech innovation
- ☐ Defense
- ☐ Digital
- ☐ Energy
- ☐ Finance and banking
- ☐ Medias
- ☐ Other
- ☐ Other basic industries (i.e., supplying raw materials to industries which manufacture other goods)
- ☐ Pharmaceuticals
- ☐ Space
- ☐ Telecommunications
- ☐ Transport

Please specify

Please specify

Please specify

Please specify

If Other, please specify

Text of 1 to 100 characters will be accepted

* Scope

- ☐ International
- ☐ Local
- ☐ National
- ☐ Regional

Please mark the countries where your main business is based.

- | | | | |
|-----------------------------------|----------------------------------|--|---|
| <input type="checkbox"/> Austria | <input type="checkbox"/> Finland | <input type="checkbox"/> Lithuania | <input type="checkbox"/> Slovenia |
| <input type="checkbox"/> Belgium | <input type="checkbox"/> France | <input type="checkbox"/> Luxembourg | <input type="checkbox"/> Spain |
| <input type="checkbox"/> Bulgaria | <input type="checkbox"/> Germany | <input type="checkbox"/> Malta | <input type="checkbox"/> Sweden |
| <input type="checkbox"/> Croatia | <input type="checkbox"/> Greece | <input type="checkbox"/> The Netherlands | <input type="checkbox"/> Others in Europe |
| <input type="checkbox"/> Cyprus | <input type="checkbox"/> Hungary | <input type="checkbox"/> Poland | <input type="checkbox"/> Other |
| <input type="checkbox"/> Czechia | <input type="checkbox"/> Ireland | <input type="checkbox"/> Portugal | |
| <input type="checkbox"/> Denmark | <input type="checkbox"/> Italy | <input type="checkbox"/> Romania | |
| <input type="checkbox"/> Estonia | <input type="checkbox"/> Latvia | <input type="checkbox"/> Slovakia | |

If others in Europe, please specify

If other, please specify

* Level of governance

- ☐ Local Authority
- ☐ Local Agency

* Level of governance

- ☐ Parliament
- ☐ Authority
- ☐ Agency

* Organisation name

255 character(s) maximum

* Organisation size

- ☐ Micro (1 to 9 employees)
- ☐ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

Has your company/business been the addressee of a Commission decision under Article 6 or Article 8 of Council Regulation (EC) No 139/2004, or has it been another involved party (such as the target or seller) in a merger for which an Article 6 or 8 decision was issued, or has your company/business organisation acted as external counsel or economic consultant of an addressee of such decision in the last 10 years?

between 1 and 7 choices

- ☐ No
- ☐ Yes, Article 6.1.(a) decision
- ☐ Yes, Article 6.1(b) decision (simplified procedure)
- ☐ Yes, Article 6.1(b) decision (normal procedure)
- ☐ Yes, Article 6.1(b) in conjunction with Article 6.2 decision
- ☐ Yes, Article 8.1 decision

☐ Yes, Article 8.2 decision

☐ Yes, Article 8.3 decision

If yes, please list the relevant cases. (If more than 10, please list the 10 most recent ones.)

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☒ **Anonymous**

The type of respondent that you responded to this consultation as, your country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself.

☐ **Public**

Your name, the type of respondent that you responded to this consultation as, your country of origin and your contribution will be published.

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☒ **Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☐ **Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the

organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☐ I agree with the [personal data protection provisions](#)

2. Evaluation Criteria

2.1 Effectiveness (Have the objectives been met?)

2.1.1 In your / your client's experience, have the Horizontal Guidelines allowed the Commission to identify correctly the transactions that significantly impede effective competition in the internal market?

- ☐ Yes
- ☐ No, the Commission has often intervened in transactions that do not significantly impede effective competition
- ☐ No, the Commission has often cleared transactions that significantly impede effective competition
- ☐ I do not know

2.1.1.1 If no, please identify the transactions involving horizontal overlaps in which the Commission did not assess correctly the impact on competition in the internal market and explain why.

Text of 1 to 3000 characters will be accepted

2.1.2 In your / your client's experience, have the Non-Horizontal Guidelines allowed the Commission to identify correctly the transactions that significantly impede effective competition in the internal market?

- ☐ Yes
- ☐ No, the Commission has often intervened in transactions that do not significantly impede effective competition
- ☐ No, the Commission has often cleared transactions that significantly impede effective competition
- ☐ I do not know

2.1.2.1 If no, please identify the transactions (involving non-horizontal relationships) in which the Commission did not assess correctly the impact on competition in the internal market and explain why.

3000 character(s) maximum

2.1.3 In your / your client's experience, have the Horizontal Guidelines positively/negatively contributed to promoting competition in the internal market over the last 10 years?

- ☐ Yes, they have positively contributed
- ☐ They have been neutral
- ☐ No, they have negatively contributed
- ☐ I do not know

2.1.3.1 Please explain, and, if relevant, identify any differences in this respect between different sectors or types of technologies (clean and resource efficient technologies, biotechnologies, energy, basic industries, telecoms, pharmaceuticals, etc).

Text of 1 to 3000 characters will be accepted

2.1.4 In your / your client's experience, have the Non-Horizontal Guidelines positively/negatively contributed to promoting competition in the internal market over the last 10 years?

- ☐ Yes, they have positively contributed
- ☐ They have been neutral
- ☐ No, they have negatively contributed
- ☐ I do not know

2.1.4.1 Please explain, and, if relevant, identify any differences in this respect between different sectors or types of technologies (clean and resource efficient technologies, biotechnologies, energy, basic industries, telecoms, pharmaceuticals, etc)

3000 character(s) maximum

2.1.5 In your / your client's experience, do the Guidelines continue to provide correct, clear and comprehensive guidance on merger assessment?

- ☐ Yes, for both the Horizontal and Non-Horizontal Guidelines
- ☐ Only the Horizontal Guidelines, but not the Non-Horizontal Guidelines
- ☐ Only the Non-Horizontal Guidelines, but not the Horizontal Guidelines
- ☐ No
- ☐ I do not know

2.1.5.1 If no, please explain which parts of the Horizontal and Non-horizontal Guidelines are not correct, clear or comprehensive. Please explain, and, if relevant, identify any differences in this respect between different sectors (energy, basic industries, telecoms, pharmaceuticals, etc).

Text of 1 to 5000 characters will be accepted

2.1.6 Have the Guidelines proven effective in providing legal certainty and transparency to all stakeholders when it comes to assessing horizontal and non-horizontal mergers?

- ☐ Yes, for both the Horizontal and Non-Horizontal Guidelines
- ☐ Only the Horizontal Guidelines, but not the Non-Horizontal Guidelines
- ☐ Only the Non-Horizontal Guidelines, but not the Horizontal Guidelines
- ☐ No
- ☐ I do not know

2.1.6.1 If no, please explain which parts of the Horizontal and Non-horizontal Guidelines are not correct, clear or comprehensive. Please explain, and, if relevant, identify any differences in this respect between different sectors (energy, basic industries, telecoms, pharmaceuticals, etc).

Text of 1 to 3000 characters will be accepted

2.1.7 Is the distinction between effects of horizontal and non-horizontal mergers still relevant?

- ☐ Yes, and it is useful to have separate merger guidelines on horizontal and non-horizontal mergers
- ☐ Yes, but a single document with guidelines addressing horizontal and non-horizontal mergers would be preferable to ensure consistency

- ☐ No, the distinction is artificial as many mergers present horizontal and non-horizontal effects
- ☐ Other

2.2 Efficiency (Were the costs involved proportionate to the benefits?)

2.2.1 Please indicate how any costs associated with the Guidelines (e.g. by providing incorrect, incomplete, misleading or too strict or flexible guidance on certain aspects) compare to any benefits the Guidelines have brought to you / your client (e.g. by providing helpful guidance for assessing mergers). Please exclude any costs related to the notification of mergers that are unrelated to the Guidelines:

- ☐ There are no costs related to the Guidelines (i.e. they include only helpful guidance)
- ☐ Any costs have been small compared to the benefits of the Guidelines
- ☐ Costs have been equal to the benefits of the Guidelines
- ☐ Costs have exceeded the benefits of the Guidelines
- ☐ Irrespective of the costs, the Guidelines have no benefits
- ☐ I do not know

2.2.1.1 Please indicate which costs the Guidelines have generated for you and quantify them.

Text of 1 to 1000 characters will be accepted

2.2.1.2 If you consider that the costs have been equal to or have exceeded the benefit, please explain your reasons.

Text of 1 to 1000 characters will be accepted

2.2.2 In your / your client's experience, is there scope for further simplification and cost reduction when it comes to the Guidelines?

- ☐ Yes
- ☐ No
- ☐ I do not know

2.2.2.1 If yes, please explain and provide examples on how the Guidelines can reduce costs and how it can be simplified for this purpose (e.g. new structural

presumptions, easier or clearer principles to follow, or on the contrary need to provide more flexibility in the assessment etc.)

Text of 1 to 1000 characters will be accepted

2.3 Relevance (Is EU action still necessary?)

2.3.1 Do you consider the objectives of the Guidelines to still be relevant today?

	Objective still relevant	Objective no longer relevant	I do not know
Provide guidance as to how the Commission assesses concentrations when the undertakings concerned are actual competitors in the same relevant markets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide guidance as to how the Commission assesses concentrations when the undertakings concerned are potential competitors in the same relevant markets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide guidance as to how the Commission assesses concentrations where the undertakings concerned are active on different relevant markets, at different steps of in the value chain or neighbouring markets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide legal certainty, predictability and transparency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2.3.1.1 If you have rated any of the objectives as “no longer relevant”, please explain what factors lead you to consider this/these objective(s) to be obsolete.

Text of 1 to 1000 characters will be accepted

2.3.2 Please describe any other objectives that the Guidelines have not sufficiently pursued, explaining their relevance for preserving effective competition in the internal market.

Text of 1 to 2000 characters will be accepted

2.4 Coherence (Does the policy complement other actions or are there contradictions?)

2.4.1 In your experience or that of your client, are there any inconsistencies or contradictions between any of the individual paragraphs or sections of the

Guidelines? (for example, instances where one paragraph/section of the Horizontal Merger Guidelines is inconsistent with another paragraph/section of the Non-Horizontal Merger Guidelines)

- ☐ Yes
- ☐ No
- ☐ Do not know

2.4.1.1 If “yes”, please identify the paragraph(s) or section(s) of the Guidelines giving rise to the inconsistency or contradiction, and explain the reasons for your assessment

Text of 1 to 3000 characters will be accepted

2.4.2 In your experience or that of your client, are there any inconsistencies or contradictions between the Guidelines and the judgments of the EU Courts?

- ☐ Yes
- ☐ No
- ☐ Do not know

2.4.2.1 If “yes”, please identify the issue, specify the paragraph(s) or section(s) of the Guidelines giving rise to the inconsistency or contradiction, and explain the reasons for your assessment

Text of 1 to 3000 characters will be accepted

2.4.3 In your experience or that of your client, are there any inconsistencies or contradictions between the Guidelines and any other legal texts within the EU merger control framework (e.g. Notice on the definition of the relevant market, Implementing Regulation, Notice on Simplified treatment etc)?

- ☐ Yes
- ☐ No
- ☐ Do not know

2.4.3.1 If “yes”, please identify the texts at issue, specify the paragraph(s) or section(s) of the Guidelines giving rise to the inconsistency or contradiction and explain the reasons for your assessment

Text of 1 to 3000 characters will be accepted

2.4.4 To the best of your or your client's knowledge, are there any inconsistencies or contradictions between the Guidelines and other Commission instruments in the area of competition policy and enforcement?

- ☐ Yes
- ☐ No
- ☐ Do not know

2.4.4.1 If "yes", please identify the instruments at issue, specify the paragraph(s) or section(s) of the Guidelines giving rise to the inconsistency or contradiction and explain the reasons for your assessment.

Text of 1 to 3000 characters will be accepted

2.4.5 To the best of your / your client's knowledge, are there any inconsistencies between the Guidelines and EU rules or policies in areas other than competition?

- ☐ Yes
- ☐ No
- ☐ Do not know

2.4.5.1 If "yes", please identify the EU rules or policies at issue, specify the paragraph(s) or section(s) of the Guidelines giving rise to the inconsistency or contradiction and explain the reasons for your assessment.

Text of 1 to 3000 characters will be accepted

2.4.6 How should the Guidelines take into account existing ex-ante regulation in certain sectors (e.g. telecommunications, energy) in its competitive assessment?

- ☐ Not at all
- ☐ To the extent it is binding and effective
- ☐ Should be taken into account but not replace the assessment of market structures
- ☐ I do not know

2.4.6.1 What, if anything, should be changed?

2.4.7 In your experience or that of your client, do the Guidelines offer sufficient flexibility to take into consideration specific features (e.g. longer investment cycles, innovation intensity, etc)?

- ☐ Yes, fully
- ☐ Yes to some extent
- ☐ No, to an insufficient extent
- ☐ Not at all
- ☐ I do not know

How can the Guidelines offer sufficient flexibility to take into consideration specific sectoral features (e.g. longer investment cycles, innovation intensity, etc)?

- ☐ The guidelines should only offer indications based on the legal principles and criteria stemming from the merger regulation and the case-law, which are general in nature
- ☐ The guidelines should offer sound economic principles that are to be applied with sufficient flexibility on case-by-case basis
- ☐ The guidelines should more specifically provide general guidance on individual features (e.g. investment cycles, resilience, etc) that can differentiate economic sectors and how they are to be taken into account.
- ☐ I do not know

2.5 EU added value (Does action at EU level provide clear added value?)

2.5.1 In your experience or that of your client, have the Guidelines at EU level contributed to a consistent approach to merger assessment by the Commission and the EU national competition authorities?

- ☐ Yes
- ☐ No
- ☐ I do not know

2.5.1.1 If “no”, please explain.

Text of 1 to 3000 characters will be accepted

2.5.2 Please elaborate on any added value stemming from the fact that the Guidelines are adopted at EU level.

Text of 1 to 2000 characters will be accepted

3 Competitiveness

3.1 In your/your client's view, do the current Guidelines provide clear, correct and comprehensive guidance on how merger control reflects the objective of having a productive and competitive economy?

- ☐ Yes, fully
- ☐ Yes, to some extent
- ☐ No, to an insufficient extent
- ☐ Not at all
- ☐ I do not know

3.1.1 Please explain and mention in particular which provisions of the Guidelines (if any) are not clear or outdated, or what you consider is missing from the Guidelines.

Text of 1 to 5000 characters will be accepted

3.2 What are the benefits that merged companies' increased scale might bring to competitiveness:

3.2.1 In a scenario where the increased scale does not create market power or a dominant position (e.g. a merger between complementary players in terms of products or geography)? Please select the benefits that you / your client believe(s) are relevant for increased competitiveness of the merged entity. For each selected benefit, please provide concrete examples and underlying data. Please also specify which metrics can be used to measure these elements.

- ☐ a. Decreasing average cost curve
- ☐ b. Network effects (i.e., whereby a product or service gains additional value as more people use it)
- ☐ c. Intangible capital (assets lacking physical substance, e.g. patents, copyrights, goodwill, know-how)
- ☐ d. Access to equity investment
- ☐ e. Ability and incentive to invest (e.g. in network infrastructure)

- ☐ f. Ability and incentives to innovate (i.e. R&D, including high-risk innovation)
- ☐ g. Ability and incentives to derive value from aggregation of data
- ☐ h. Improves access to market (i.e. ability to reach new customers or geographies in the internal market or outside the internal market)
- ☐ i. Ability to procure products more competitively from large suppliers?
- ☐ j. Ability to compete in global markets outside the EU
- ☐ k. Other factors

3.2.1.1 a. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.1.1.b Please specify.

Text of 1 to 1000 characters will be accepted

3.2.1.1. c. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.1.1.d. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.1.1 e. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.1.1. f. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.1.1.g. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.1.1. h. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.1.1.i. Please specify

Text of 1 to 1000 characters will be accepted

3.2.1.1.j. Please specify

1000 character(s) maximum

3.2.1.1.k Please list and specify

1000 character(s) maximum

3.2.2 In a scenario where the increased scale creates or strengthens market power or a dominant position, please indicate which of the benefits identified above are still relevant for increased competitiveness of the merged entity, and comment on whether it may damage the competitiveness of other companies or the economy. For each selected benefit, please provide concrete examples and underlying data. Please also specify which metrics can be used to measure these elements.

Minimum 1 selection(s)

- ☐ a. Decreasing average cost curve
- ☐ b. Network effects (i.e., whereby a product or service gains additional value as more people use it)
- ☐ c. Intangible capital (assets lacking physical substance, e.g. patents, copyrights, goodwill, know-how)
- ☐ d. Access to equity investment
- ☐ e. Ability and incentive to invest (e.g. in network infrastructure)
- ☐ f. Ability and incentives to innovate (i.e. R&D, including high-risk innovation)
- ☐ g. Ability and incentives to derive value from aggregation of data
- ☐ h. Improves access to market (i.e. ability to reach new customers or geographies in the internal market or outside the internal market)
- ☐ i. Ability to procure products more competitively from large suppliers?
- ☐ j. Ability to compete in global markets outside the EU
- ☐ k. Other factors

3.2.2.1.a. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.2.1.b. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.2.1.c. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.2.1.d. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.2.1.e. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.2.1.f. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.2.1.g. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.2.1.h. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.2.1.i. Please specify.

Text of 1 to 1000 characters will be accepted

3.2.2.1.j. Please specify

1000 character(s) maximum

3.2.2.1.k. Please list.

1000 character(s) maximum

3.3 How should the Commission assess the benefits of companies' gaining scale through mergers when they create market power or a dominant position? Please explain in particular under which conditions such benefits could be sufficient to outweigh competitive harm and under which circumstances such benefits would be passed on to business customers /consumers. Please illustrate with the specific benefits you considered relevant.

Text of 1 to 3000 characters will be accepted

3.4 From your/your client's perspective, how can the merger guidelines contribute to i.) the security of supply, and ii.) resilience of the EU economy against outside shocks and dependency on third country input?

Text of 1 to 3000 characters will be accepted

3.4.1 Please explain how merger control can take into account the effects of a merger on i.) security of supply and ii.) resilience (both negative and positive impacts)

3000 character(s) maximum

3.4.2 Please also specify in which sectors security of supply and resilience are particularly important (e.g. for essential or strategically significant goods)

3000 character(s) maximum

3.5 From your/your client's perspective, how can the revised merger guidelines contribute to increased innovation? Please explain what innovation effects (both negative and positive) of a merger the revised merger guidelines can take into account and how

Text of 1 to 3000 characters will be accepted

3.5.1 Please also specify in what sectors innovation is particularly important for competition

3000 character(s) maximum

3.6 From your / your client's perspective, how can the merger guidelines contribute to increased investment? Please explain what investment effects (both negative and positive) of a merger the merger guidelines can take into account and how

3000 character(s) maximum

3.6.1 Please also specify in what sectors investment is particularly important

3000 character(s) maximum

3.7. In your / your client's view, what would constitute pro-competitive consolidations in global strategic sectors, digital and deep technology innovation, clean and resource efficient technologies and biotechnologies (e. g., IoT, cloud, quantum, telecom, data, advanced connectivity, cybersecurity, and/or AI), that would benefit competition in the Single Market? Please explain why in particular in terms of harm and benefits to competition.

Text of 1 to 3000 characters will be accepted

4. Assessing market power using structural and other market features

4.1 In your / your client's view, do the current Guidelines:

4.1.1 Provide clear, correct, and comprehensive guidance with regards to structural indicators to assess market power or dominance, including market shares and concentration level?

- ☐ Yes, fully
- ☐ Yes, to some extent
- ☐ No, to an insufficient extent

- ☐ Not at all
- ☐ I do not know

4.1.1.1 Please explain and mention in particular which provisions of the Guidelines (if any) are not clear or outdated, or what you consider is missing from the Guidelines.

Text of 1 to 3000 characters will be accepted

4.1.2 Provide clear, correct, and comprehensive guidance with regards to the frameworks to assess the risks of coordination post-merger?

- ☐ Yes, fully
- ☐ Yes, to some extent
- ☐ No, to an insufficient extent
- ☐ Not at all
- ☐ I do not know

4.1.2.1 Please explain and mention in particular which provisions of the Guidelines (if any) are not clear or outdated, or what you consider is missing from the Guidelines.

Text of 1 to 3000 characters will be accepted

4.1.3 Provide clear, correct, and comprehensive guidance with regards to the frameworks to assess the risks of foreclosure post-merger?

- ☐ Yes, fully
- ☐ Yes, to some extent
- ☐ No, to an insufficient extent
- ☐ Not at all
- ☐ I do not know

4.1.3.1. Please explain and mention in particular which provisions of the Guidelines (if any) are not clear or outdated, or what you consider is missing from the Guidelines

3000 character(s) maximum

4.2 From your perspective, on which structural indicators the Commission should rely on to assess whether a merger is likely to significantly impede effective competition?

4.2.a. Are market shares, concentration levels, barriers to entry or expansion, and diversion ratios still relevant for this assessment?

Text of 1 to 3000 characters will be accepted

4.2.b. Are there other metrics that you / your client believe(s) are relevant to assess the existence of market power post-merger?

Text of 1 to 3000 characters will be accepted

4.3 How can the Commission establish that a merger will lead to the creation or strengthening of a dominant position? Please describe the evidence and metrics that the Commission should rely on.

Text of 1 to 3000 characters will be accepted

4.4 How can the Commission establish that a merger will lead to a significant impediment of effective competition in cases where the merged entity will not have a dominant position? Please describe the situations and circumstances under which this could occur (e.g., oligopolistic structure, mergers between close competitors), as well as the evidence and metrics that the Commission should rely on in its assessment.

Text of 1 to 3000 characters will be accepted

4.5 How can the Commission establish that non-horizontal mergers (i.e., between companies that are active at different stages of the value chain or in closely related markets) will lead to competitors being — fully or partially — foreclosed from the market, ultimately harming consumers? Please describe the situations where such foreclosure is likely, identifying the evidence and metrics that the Commission should rely on for its assessment.

Text of 1 to 3000 characters will be accepted

4.6 How can the Commission establish that a merger will increase the risks of companies' coordinating their market behaviour or render coordination more stable or effective? Please describe the circumstances that could facilitate this, identifying the evidence and metrics the Commission should rely on in its assessment.

Text of 1 to 3000 characters will be accepted

5. Innovation and other Dynamic Elements in Merger Control

5.1 In your/your client's view, do the current Guidelines provide adequately clear, correct and comprehensive guidance on how the Commission considers innovation and other dynamic criteria in its assessment of the impact of mergers on competition (dynamic merger effects are linked to firms' forward-looking behaviours, particularly their ability and incentive to invest and innovate, as well as to enter or exit a market in the mid-to-long term. Dynamic merger effects can be either positive, leading to efficiencies, or negative, leading to harm)?

- ☐ Yes, fully
- ☐ Yes, to some extent
- ☐ No, to an insufficient extent
- ☐ Not at all
- ☐ I do not know

5.1.1 Please explain and mention in particular which provisions of the Guidelines (if any) are not clear or outdated, or what you consider is missing from the Guidelines.

Text of 1 to 3000 characters will be accepted

5.2 In what circumstances can mergers negatively impact the ability and incentives of the merged company to innovate (e.g. a merger between strong innovators, acquisition of an innovator, acquisition of an input critical for other companies to innovate)? Based on which evidence and metrics can the Commission conclude that a merger will likely harm innovation?

Text of 1 to 3000 characters will be accepted

5.2.1 In what circumstances can the elimination of a (small but particularly) innovative player with a large competitive potential (e.g., in the case of nascent and emerging market or rapidly developing sectors) harm competition? Based on which evidence and metrics can the Commission conclude that the elimination of a (small but particularly) innovative player with a large competitive potential harms competition?

3000 character(s) maximum

5.3 In what circumstances can mergers positively impact the ability and incentives of the merged company to innovate? Based on which evidence and metrics can the Commission conclude that a merger advances innovation? Please distinguish between mergers creating market power or a dominant position, and those that do not, as relevant.

Text of 1 to 3000 characters will be accepted

5.3.1. What elements, evidence and metrics can the Commission consider when balancing the potential positive benefits and spillovers of enhanced R&D capabilities against the potentially anticompetitive effects of a merger?

5.4 In what circumstances can mergers negatively impact the ability and incentives of the merged company to invest? Based on which evidence and metrics can the Commission conclude that a merger will likely harm investment? Please distinguish between mergers creating market power or a dominant position, and those that do not, as relevant

Text of 1 to 3000 characters will be accepted

5.5 In what circumstances can mergers positively impact the ability and incentives of the merged company to invest? Based on which evidence and metrics can the Commission conclude that a merger advances investment? Please distinguish between mergers creating market power or a dominant position, and those that do not, as relevant

Text of 1 to 3000 characters will be accepted

5.6. In what circumstances can the elimination of a potential competitor (that is likely to enter the market in a near future or already exert competitive constraints even if not in the market) harm competition? Based on which evidence and metrics can the Commission conclude that the elimination of a potential competitor harms competition?

3000 character(s) maximum

5.7 How far in the future should and can the Commission look at when assessing the impact of a merger on competition (e.g., whether companies will invest or innovate post-merger, or whether prices will increase because of the merger)? How and under what circumstances should the Commission's assessment consider long investment cycles in a given industry? Based on what evidence should the Commission assess uncertainties linked to the future?

3000 character(s) maximum

6. Sustainability and clean and resource-efficient technologies

6.1 In your/your client's view, do the current Guidelines provide clear, correct, updated, and comprehensive guidance on how merger control reflects the transition to a sustainable and climate-neutral economy with clean and resource-efficient technologies solutions?

- ☐ Yes, fully
- ☐ Yes, to some extent
- ☐ No, to an insufficient extent
- ☐ Not at all
- ☐ I do not know

6.1.1 Please explain which provisions of the Guidelines (if any) are not clear or outdated, or what you consider is missing from the Guidelines.

Text of 1 to 3000 characters will be accepted

6.2 From your/your client's perspective, what are the new competitive dynamics that are linked to the transition to a sustainable and climate-neutral economy with clean tech solutions?

Text of 1 to 3000 characters will be accepted

6.3 In your/your client's view, should the Guidelines better reflect how the clean transition and sustainability goals may be considered by the Commission in its merger control analysis (e.g., as important characteristics of products and services, on which companies compete, or as driving companies' incentives to invest and develop innovative and clean (tech) solutions)?

Text of 1 to 3000 characters will be accepted

6.4 Please explain in which circumstances mergers may reduce competition by affecting any of the following aspects: (i) investment in, development, and supply of sustainable and decarbonised products and clean tech solutions, (ii) maximum extension of the lifespan of resources ('circular economy'), and (iii) access to affordable and decarbonised energy (e.g., merger between two competing businesses or the acquisition of a critical input). In addition, please explain which evidence and metrics the Commission should rely on.

Text of 1 to 3000 characters will be accepted

6.5 What competitive benefits can mergers bring, in terms of (i) investment in, development, and supply of sustainable and decarbonised products and clean tech solutions, (ii) maximum extension of the lifespan of resources ('circular economy'), or (iii) access to affordable and decarbonised energy? Please provide examples of such benefits (e.g. better access to critical inputs, increased ability to invest and innovate, or increased buyer power), describing the circumstances under which these would likely benefit, not only the merging companies, but the overall EU industry and consumers.

Text of 1 to 3000 characters will be accepted

6.6 Under which conditions the merger benefits relating to the EU's clean transition and sustainability/clean tech could be sufficient to outweigh the merger competitive harm, and under which conditions such benefits would be passed on to business customers and consumers? Please illustrate with the specific benefits you considered relevant.

Text of 1 to 3000 characters will be accepted

7 Digitalisation

7.1 In your/your client's view, do the current Guidelines adequately reflect the evolutions linked to the digitalisation of the economy?

- ☐ Yes, fully
- ☐ Yes, to some extent
- ☐ No, to an insufficient extent
- ☐ Not at all
- ☐ I do not know

7.1.1 Please explain and mention in particular which provisions of the Guidelines (if any) are not clear or outdated, or what you consider is missing from the Guidelines.

Text of 1 to 3000 characters will be accepted

7.2 From your/your client's perspective, what are the new competitive dynamics that are linked to the digitalisation of the economy that should be reflected in the merger guidelines?

Text of 1 to 3000 characters will be accepted

7.3 How can mergers between companies active in different markets shaped by digitalisation harm competition? Please explain whether due to the specific competitive dynamics in those markets, non-horizontal mergers might harm competition in non-traditional ways, that is not necessarily because the merged entity will adopt a foreclosure conduct but because of e. g. increased barriers to entry or elimination of potential competition linked to

digital ecosystems, data accumulation, interoperability degradation, targeted foreclosure. Please explain why and how this could harm competition and which evidence and metrics the Commission can rely on.

Text of 1 to 3000 characters will be accepted

7.4 In markets driven by technological changes, what would be an appropriate timeframe for the Commission to adequately assess the impact of mergers on competition? Should there be a distinction between markets before and after “tipping” to a leading company?

Text of 1 to 3000 characters will be accepted

8 Efficiencies

8.1 In your/your client’s view, do the current Guidelines provide clear, correct and comprehensive guidance on how the Commission assesses merger efficiencies?

- ☐ Yes, fully
- ☐ Yes, to some extent
- ☐ No, to an insufficient extent
- ☐ Not at all
- ☐ I do not know

8.1.1 Please explain and mention in particular which provisions of the Guidelines (if any) are not clear or outdated, or what would be missing for the Guidelines.

Text of 1 to 3000 characters will be accepted

8.2 Are there any efficiencies that are specific to certain types of mergers?

8.2.a Are there efficiencies specific to mergers between firms offering complementary products, offers or services?

- ☐ Yes
- ☐ No

8.2.a Please explain your reply.

Text of 1 to 3000 characters will be accepted

8.2.b Are there efficiencies that are specific to vertical mergers, i.e. between firms active at different levels of the supply chain?

- ☐ Yes
- ☐ No

8.2.b Please explain your reply.

Text of 1 to 3000 characters will be accepted

8.2.c Are there efficiencies specific to horizontal mergers, i.e. between firms that are actual or potential competitors in the same market to offer products or services competing directly?

- ☐ Yes
- ☐ No

8.2.c Please explain your reply.

Text of 1 to 3000 characters will be accepted

8.3. Under which circumstances can a merger that reduces effective competition generate efficiencies that outweigh the harm to consumers brought by the merger?

8.3.a Under which circumstances can efficiencies outweigh harm when it comes to cost savings passed on to consumers? Please explain your reply and give examples

8.3.b Under which circumstances can efficiencies outweigh harm when it comes to improved quality of product and services valued by consumers, e.g. through increased investment or innovation? Please explain your reply and give examples

8.3.c Under which circumstances can efficiencies outweigh harm when it comes to products and services in strategic sectors whose supply would be reduced in the EU without the merger or whose supply would be increased in the EU as a result of the merger? Please explain your reply and give examples

8.3.d Are there other relevant circumstances in which efficiencies can outweigh harm?

- ☐ Yes
- ☐ No

8.3.d If yes, please explain your reply and give examples

3000 character(s) maximum

8.4 If efficiencies (contrary to competitive harm) will not materialise right after the merger, what is a reasonable and acceptable timeframe to consider that merger efficiencies are likely enough and substantial enough to compensate consumers harm? Under what circumstances should this timeframe be longer or shorter? Please explain.

Text of 1 to 3000 characters will be accepted

8.5 How can the Commission assess whether the merger efficiencies claimed by the merging parties are substantial and likely to materialize? Please explain in particular what the most reliable evidence or metrics would be to verify efficiencies.

Text of 1 to 3000 characters will be accepted

8.6 In you/your client's views, how should the Commission assess whether the merger efficiencies could be achieved by less anti-competitive means, such as a cooperation agreement or a different merger? Please explain in particular how realistic those alternatives have to be.

Text of 1 to 3000 characters will be accepted

9. Public policy, defence and security as well as labour market considerations

9.1 In your / your client's view, do the Guidelines provide clear, correct, and comprehensive guidance regarding (i) labour markets, (ii) media plurality or (iii) strategic sectors and other public policy considerations?

- ☐ Yes, fully
- ☐ Yes, to some extent
- ☐ No, to an insufficient extent
- ☐ Not at all
- ☐ I do not know

9.1.1 Please explain and mention in particular which provisions of the Guidelines (if any) are not clear or outdated, or what would be missing from the Guidelines.

Text of 1 to 3000 characters will be accepted

9.2 Do you consider that new or additional guidance regarding (i) labour markets, (ii) media plurality, (iii) infrastructures critical for the EU economy (e.g., telecommunications networks, electricity distribution network, etc.), (iv) strategic sectors (v) other public policy considerations should be included in the revised merger guidelines?

- ☐ Yes
- ☐ No
- ☐ I do not know

9.2.1 If so, please identify which elements should be included.

Text of 1 to 3000 characters will be accepted

9.3 Please explain and specify in which circumstances you / your client believe(s) that a merger can result in harm in labour markets and to workers, and how this may also impact consumers.

Text of 1 to 3000 characters will be accepted

9.4 Please explain and specify in which circumstances you / your client believe(s) that a merger can have positive effects in labour markets and to workers, and how this may also impact consumers.

Text of 1 to 3000 characters will be accepted

9.5 Do you consider that mergers can benefit or harm diversity and media plurality?

- ☐ Yes
- ☐ No
- ☐ I do not know

9.5.1 Please explain and specify in which circumstances increased market power through mergers can benefit or harm diversity and media plurality, and ultimately consumers.

Text of 1 to 3000 characters will be accepted

9.6 In your / your client's view, do the Guidelines provide clear, correct, and comprehensive guidance regarding defence and security considerations?

- ☐ Yes, fully
- ☐ Yes, to some extent
- ☐ No, to an insufficient extent
- ☐ Not at all
- ☐ I do not know

9.6.1 Please explain and mention in particular which provisions of the Guidelines (if any) are not clear or outdated, or what would be missing from the Guidelines

3000 character(s) maximum

9.7 Do you consider that new or additional guidance regarding defence and security considerations should be included in the revised merger guidelines?

- ☐ Yes
- ☐ No

9.7.1 If so, please identify which elements should be included

3000 character(s) maximum

9.8 Do you consider that mergers can positively or negatively impact defence and security and defense capabilities?

- ☐ Yes
- ☐ No
- ☐ I do not know

9.8.1 Please explain in which circumstances mergers could improve or harm security and defence capabilities. Please distinguish between mergers creating market power or a dominant position, and those that do not, as relevant.

Text of 1 to 3000 characters will be accepted

9.9 Do you consider that mergers can positively or negatively impact strategic sectors (other than clean tech, deep tech, digital and security and defence sectors) capabilities?

- ☐ Yes
- ☐ No
- ☐ I do not know

9.9.1 Please explain in which circumstances mergers could improve or harm strategic sectors (other than clean tech, deep tech, digital and security and defence sectors) capabilities. Please specify the strategic sector(s) and distinguish between mergers creating market power or a dominant position, and those that do not, as relevant

3000 character(s) maximum

10. Final comments and document upload

10.1 Do you wish to make any additional comments that may be relevant for the revision of the Guidelines?

Text of 1 to 1000 characters will be accepted

10.2 Please attach any documents in your possession that support your replies to the questions above, and that may assist the Commission in its assessment of those replies, clearly identifying the question to which they refer. Please make sure that any such documents are as concise as possible.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

10.3 Please indicate whether the Commission services may contact you for further details on the information submitted, if required.

- ☐ Yes
- ☐ No

End of the questionnaire. Thank you for your contribution.