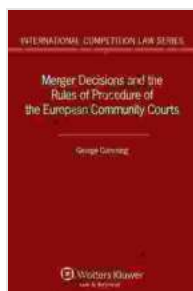


Merger Decisions and the Rules of Procedure of the European Community Courts: An In-depth Guide

Mergers are a common occurrence in the business world, and they can have a significant impact on the parties involved. In the European Union, mergers are subject to the Merger Regulation, which is enforced by the European Commission. The Commission's decisions on mergers can be appealed to the European Court of Justice (ECJ) and the European Court of First Instance (CFI). This article provides an overview of the Merger Regulation and the rules of procedure of the ECJ and the CFI.

The Merger Regulation

The Merger Regulation is a set of rules that govern mergers in the European Union. The Regulation applies to mergers between companies with a combined worldwide turnover of more than EUR 5 billion, as well as mergers between companies with a combined Community-wide turnover of more than EUR 250 million. The Regulation prohibits mergers that are likely to create or strengthen a dominant position in the market.



Merger Decisions and the Rules of Procedure of the European Community Courts (International Competition Law)

★★★★★ 5 out of 5

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Word Wise : Enabled
Print length : 464 pages



The Commission is responsible for enforcing the Merger Regulation. The Commission has the power to investigate mergers and to block mergers that are likely to harm competition. The Commission's decisions on mergers can be appealed to the ECJ and the CFI.

The Rules of Procedure of the ECJ and the CFI

The rules of procedure of the ECJ and the CFI set out the procedures for bringing an appeal against a decision of the Commission. The rules are designed to ensure that appeals are processed in a fair and efficient manner.

The rules of procedure provide that an appeal must be filed within two months of the date of the Commission's decision. The appeal must be filed with the Registry of the ECJ or the CFI. The appeal must state the grounds of appeal and the relief sought.

The ECJ and the CFI will then review the appeal and decide whether to admit it to the register. If the appeal is admitted, the parties will be given the opportunity to submit written pleadings. The ECJ or the CFI may also hold a hearing to hear oral arguments from the parties.

The ECJ or the CFI will then issue a judgment on the appeal. The judgment will be binding on the parties and the Commission.

Case Law on Merger Decisions

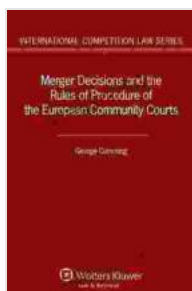
The ECJ and the CFI have issued a number of judgments on merger decisions. These judgments have clarified the meaning of the Merger Regulation and the rules of procedure.

In the case of *Tetra Pak v. Commission*, the ECJ held that the Commission has the power to block mergers that are likely to create or strengthen a dominant position in the market. The ECJ also held that the Commission's decision must be based on a thorough investigation of the facts and the law.

In the case of *Microsoft v. Commission*, the CFI held that the Commission's decision to block Microsoft's merger with Intuit was justified. The CFI found that the merger would have created a dominant position in the market for software for personal computers.

The Merger Regulation is a complex set of rules that can have a significant impact on businesses in the European Union. The rules of procedure of the ECJ and the CFI provide a fair and efficient process for appealing Commission decisions on mergers.

Lawyers and businesspeople who are involved in mergers should be familiar with the Merger Regulation and the rules of procedure of the ECJ and the CFI. This article provides a basic overview of these topics. For more information, please consult the official sources.



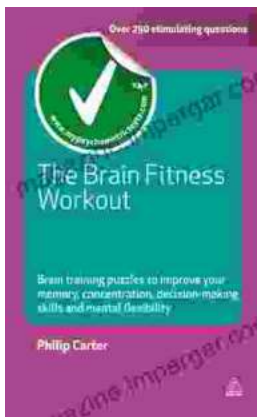
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