Recent update on Competition Law

Revisiting EU Merger Guidelines

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Revisiting EU Merger Guidelines

The European Commission has officially launched two public consultations as part of its comprehensive review of the Horizontal Merger Guidelines and the Non-Horizontal Merger Guidelines (collectively the 'Merger Guidelines'). These essential policy tools, published in 2004 and 2008 respectively, provide significant guidance on the Commission's practice for the assessment of the impact of mergers on competition.

After 20 years, the Commission is adapting its analytical framework to reflect transformative shifts in the global economy such as digitalization, globalization and decarbonization. Alongside, the primary mission of merger control will remain the same, safeguarding a competitive internal market and encouraging companies to provide consumers with innovative, high-quality and affordable products and services.

On 8 May 2025, the Commission published a general consultation with high level questions on how the Commission should assess mergers as well as an in-depth consultation with more technical questions surrounding various topics. The topics include:

- ***Competitiveness and resilience:*** focusing on how the Merger Guidelines reflect the objectives of a competitive economy and whether the Merger Guidelines should be adopted to support start-ups, scale-ups and medium-sized companies to scale up in global markets while safeguarding a level-playing field in the Single Market.

- ***Sustainability and clean technologies:*** addressing sustainability and climate neutrality, competitive dynamics linked to sustainability transition while balancing sustainability benefits against competition harm.

- ***Digitalization:*** examining the need for assessments capable of capturing digital economy-related evolutions. More specifically, new competitive dynamics that are linked to digitalization, cross-market effects in mergers in the digital landscape as well as assessments capturing transactions in technology-driven markets.

The Merger Guidelines review is an initiative which enables the Commission to update its competition law assessment of mergers in a transparent and inclusive manner. The consultations aim to ensure that the updated Merger Guidelines will be practically effective and able to address today's competition law challenges. The European Commission invites comments to the consultations by 3 September 2025.

The present newsletter contains general information only and is not intended to provide specific professional advice or services.

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