

# Legal obligations of EU Antitrust Laws

**European commission:** The European Commission is the executive of the European Union. The body is responsible for proposing legislation, implementing decisions, upholding the Union's treaties and the general day-to-day running of the Union.

**European Union merger law:** is a part of the law of the European Union which regulates whether firms can merge with one another and under what conditions. It is part of competition law and is designed to ensure that firms do not acquire such a degree of market power on the free market so as to harm the interests of consumers, the economy and society as a whole. Concentration: Under European Competition law, a concentration exists when a "change of control on a lasting basis results from (a) the merger of two or more previously independent undertakings. (b) The acquisition, direct or indirect control of the whole or parts of one or more other undertakings." Art. 3(1), Regulation 139/2004, the European Community Merger Regulation. This avoids the establishment of market structures which may create or strengthen a dominant position and not need to control directly possible abuses of dominant positions.

**European Commission on Sanex Unilever acquisition:** The proposed acquisition was notified to the Commission on 21 April 2010, on 31 May 2010 the Commission opened an in-depth investigation over fears it would harm consumers by giving the merged entity too much power in a number of product markets. The European Commission cleared under the European Union Merger Regulation (EMRC) the planned acquisition by Unilever of Sara Lee Corp of the US, subject to conditions. The Commission's in-depth investigation, confirmed competition concerns in a number of deodorants markets. To remedy these concerns, the merging parties offered to divest Sara Lee's Sanex brand and related business in Europe. In light of these commitments, the Commission concluded that the proposed transaction would not significantly impede effective competition in the European Economic Area (EEA) or any substantial part of it. The Commission's decision was conditional upon full compliance with the commitments. The Commission's in-depth investigation has shown that the merger would give Unilever a very strong leadership position in a number of deodorants markets by combining the parties' brands, most notably Sanex with Dove and with Rexona which presently compete against each other. The Commission found that the merger, as initially notified, would raise competition concerns in Belgium, The Netherlands, Denmark, the United Kingdom, Ireland, Spain and Portugal where it would remove an important competitive force and would likely lead to price increases.

**European Union approves acquisition of Sanex by Colgate:** According to the Commission's investigation conclusion the merged entity Sanex & Colgate would continue to face competition from a number of other strong competitors and that customers would still have sufficient alternative suppliers in all markets concerned. The Commission examined the competitive effects of the proposed acquisition in the affected markets for the sale of bath and shower products, soaps and deodorants and it concluded that the transaction would not significantly impede effective competition in the European Economic Area (EEA) or any substantial part of it.