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Executive Vice-President and Commissioner for A Europe Fit for the Digital Age
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Belgium

Oliver Guersent
Director-General DG Competition
Place Madou/Madouplein 1
1210 Brussels
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By email to: margrethe-vestager-contact@ec.europa.eu; olivier.guersent@ec.europa.eu

Transparency needed on submissions to merger cases

Dear Executive Vice-President Vestager,
Dear Director-General Guersent,

as civil society organisations, we are deeply concerned about the intransparent way certain processes in EU competition policy are currently being handled. In particular merger control needs in our view a transparency upgrade.

Mergers can have a huge impact on our economic landscape with consequences for consumers, businesses and citizens. It is in the public interest to disclose as much information on these processes as possible.

However, submissions (like economic expert assessments or economic reports) to merger cases are currently not disclosed. This is unfortunate, because the interested public cannot follow the process and the arguments brought forward on a specific merger. This is also problematic, as the public has a right to know who is interested in influencing the debates on a specific merger case.

We understand that some of the submissions contain business secrets of those companies involved in a merger and therefore cannot be fully shared with the public. This is however not true for all the submissions. It is even not true for parts of those submissions that contain business secrets. So at least parts of the submissions could be published without endangering business secrets. Moreover, submissions which do contain business secrets can still partially be made public without disclosing sensitive information.

Therefore, we ask you to make the following information on all submissions to merger cases available online on DG Competition's website: a list of the names, authors, clients involved if this is the case, number of pages and dates of submission. We would encourage you to provide an executive summary of the submissions on your website, too, as it enhances citizens' understanding of decision-making in EU competition enforcement.

Thank you much for taking our concerns into consideration. Don't hesitate to get in touch if you have any further questions (for getting back to us please contact Felix Duffy (felix.duffy@lobbycontrol.de) and Bram Vranken (bram@corporateeurope.org)).

Kind regards,

Corporate Europe Observatory
LobbyControl
AK Europa
Article 19
Balanced Economy Project
Canadian Anti-Monopoly Project (CAMP), Canada
Foodwatch
Forum on Environment and Development
Foxglove
Goliathwatch
Irish Council for Civil Liberties
Open Markets Institute, US
Privacy International
SOMO
The Good Lobby
The Good Lobby Profs
Transnational Institute (TNI)
WEED - World Economy, Ecology & Development