

Mind the gap - New Size-of-Transaction Test in German merger control

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Focus on Regulation

New German competition law: Germany takes a pioneering role in adapting its competition law to the digital economy (Part 1)

On 9 June 2017, the 9th amendment of the German Act Against Restraints of Competition (ARC) entered into effect introducing important amendments for companies to German competition law (please see the highlights of the 9th amendment of the ARC [here](#)). The reform deals with two main issues: the implementation of the European Cartel Damages Actions Directive (for a comprehensive coverage of the various new regulations, please see [here](#)) and the adaption of German competition law to the challenges of the digital economy.

The new provisions amongst others deal with merger control, the handling of “free” services, e.g. social media, and with the assessment of market power, in particular in the digital industry. This reform is likely to shape competition law practice in Germany and Europe over the next years. Many questions remain open, especially in the practical handling of the newly introduced size-of-transaction test in German merger control. This will lead to an increased need for coordination between companies and the Federal Cartel Office (FCO).

To read more, [click here](#).

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