

Communication pursuant to Article 3(2) of Commission Regulation (EC) No 802/2004 ⁽¹⁾ implementing Council Regulation (EC) No 139/2004 ⁽²⁾ on the control of concentrations between undertakings.

(2006/C 251/02)

(Text with EEA relevance)

Introduction

The Commission hereby lays down, pursuant to Article 3(2) of Commission Regulation (EC) No 802/2004 ⁽³⁾, the format in which notifications and reasoned submissions should be delivered. Article 3(2) of Regulation 802/2004 requires notifications and reasoned submissions to be delivered in one original and 35 copies.

Notifications: Form CO and Short Form CO (Annexes I and II to Commission Regulation (EC) No 802/2004)

- 1) One signed original on paper.
- 2) Five paper copies of the entire Form CO or Short Form CO and its annexes ('notification').
- 3) Thirty copies of the notification in CD- or DVD-ROM format (the 'medium'). The following specifications shall be adhered to:
 - a) The files comprising the notification in this medium shall be in Portable Document Format (*.pdf) and should preferably not exceed 5 MB (mega-bytes) each in size. The copy of the notification may be contained on several CD- or DVD-ROMs. Documents which were originally produced in *.doc, *.xls and *.ppt format shall also be saved in this format in the same medium.
 - b) Files should be named in a way which allows easy identification of the section in the Form CO or Short Form CO they refer to.
 - c) A list of all files in the medium shall be delivered as a separate file in the medium.
 - d) Each file shall bear the number and name of the proceeding for which the notification is submitted.

Reasoned submissions ⁽⁴⁾: — Form RS (Annex III to Commission Regulation (EC) No 802/2004)

- 1) One signed original on paper.
- 2) Five paper copies of the entire Form RS and its annexes ('Reasoned submission')
- 3) One CD- or DVD-ROM (the 'medium') which contains the complete reasoned submission. The following specifications shall be adhered to:
 - a) The files comprising the reasoned submission in this medium shall be in Portable Document Format (*.pdf) and may not exceed 1 MB (mega-byte) each in size. Documents which were originally produced in *.doc, *.xls and *.ppt format shall also be saved in this format in the same medium.
 - b) Files should be named in a way which allows easy identification of the section in the Form RS they refer to.
 - c) A list of files in the medium shall be delivered as a separate file in the medium itself.
 - d) Each file shall bear the number and name of the proceeding for which the Reasoned submission is made.

⁽¹⁾ OJ L 133, 30.4.2004, pages 1-39.

⁽²⁾ OJ L 24, 29.1.2004, pages 1-22.

⁽³⁾ Article 3(2) should be read together with Article 6(2) of Commission Regulation (EC) No 802/2004.

⁽⁴⁾ Reasoned submissions within the meaning of Article 4(4) and 4(5) of Council Regulation (EC) No 139/2004.

- 4) If the files on the CD- or DVD-ROM cannot be kept under 1MB (mega-byte) each in size and/or if the total size of the files on the CD- or DVD-ROM exceeds 5MB, the instructions for submitting Form CO should be followed instead, i.e. 30 copies in CD- or DVD-ROM format should be submitted.

Date of applicability of this communication

The instructions contained in this communication shall be applicable 20 days following the date of publication of this communication in the *Official Journal of the European Union*.
