

**Priority question for written answer P-001921/2024
to the Commission**
Rule 144
Stéphanie Yon-Courtin (Renew)

Subject: Illumina/Grail: next steps for tackling killer acquisitions

The Court of Justice of the EU has ruled on the interpretation of Article 22 of Regulation 139/2004¹, finding that the Commission was not competent to examine Illumina's acquisition of Grail².

This interpretation of Article 22 does not allow the Commission to rule on mergers that are below EU and national thresholds, but that nevertheless have significant effects on the structure of competition in the EU. It is urgently necessary to change the EU's rules in order to effectively combat these 'killer acquisitions', which damage competitiveness and innovation in the single market. Ursula Von der Leyen has emphasised the need for a new approach to competition policy, particularly with regard to mergers³.

1. What does the Commission intend to do in the wake of this judgment?
2. Does the Commission plan to revise Regulation 139/2004 so as to be able to examine mergers that fall below EU or national thresholds, regardless of the sectors involved?
3. Does the Commission intend to draw inspiration from Article 14 of the Digital Markets Act⁴, which allows for the control of intended mergers by 'gatekeepers', even when current rules do not require the Commission or a national authority to be notified of these operations?

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¹ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/139/oj>).

² Judgment of the Court of Justice of 3 September 2024, *Illumina v Commission* and *Grail v Commission*, Joined Cases C-611/22 P and C-625/22 P, ECLI:EU:C:2024:677.

³ 'Europe's Choice – Political guidelines for the next Commission 2024-2029', 18 July 2024, https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648_en?filename=Political%20Guidelines%202024-2029_en.pdf.

⁴ Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (OJ L 265, 12/10/2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/1925/oj>).