

**DENTONS**

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**Panel III: Přezkum spojování soutěžitelů**

# **Merger control notification criteria**

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# Merger control: emotional field

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“... never heard of merger control.”

“... but we don't have any overlaps”

“... revenues only from competing activities, right?”

“... filing in Austria? Why?”

“... it's OK, we have immunity, we have never filed anything.”

“... how many filings, thirty? OK, let's make it five.”

“... revenues mean just the revenues of our division, correct?”

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# Merger control: variety of thresholds / tests

- A. **Turnover** (local, worldwide)
- B. **Market share**
- C. **Transaction value**
- D. **Asset Value** (local, worldwide)
- E. **Party Size Test** (worldwide revenue/assets)  
**Effect Test** (e.g., transaction leads to a monopoly or dominant position)
- F. **Unilateral jurisdictions**
- G. **Non full-function JVs**
- H. **Local effects corrective (and the lack of it)**
- I. **Voluntary notifications**

**... and their combinations**

# Merger control: examples of thresholds / tests

Market Share	Asset Value	Transaction Value	Non full-function JVs	Other Specific Requirements
<b>Latvia</b>	Argentina	<b>Austria</b>	<b>(Austria)</b>	Bangladesh
<b>Portugal</b>	Azerbaijan	<b>Germany</b>	<b>(Czech Republic)</b>	Belarus
<b>Slovenia</b>	Belarus	Argentina	<b>Germany</b>	Bolivia
<b>Spain</b>	Botswana	Indonesia	<b>Poland</b>	<b>Bosnia and Herzegovina</b>
Algeria	Canada	Korea (South)	Argentina	Botswana
Angola	Colombia	Mexico	Australia	Canada
Azerbaijan	Georgia	Russia	Mexico	Colombia
Bangladesh	Honduras	Papua New Guinea	Qatar	Kazakhstan
Bolivia	India	Paraguay	USA	Mauritius
<b>Bosnia and Herzegovina</b>	Indonesia	Vietnam	Vietnam	Mexico
CEMAC	Jordan			Myanmar
Ecuador	Kazakhstan			Paraguay
Honduras	Korea (South)			<b>Switzerland</b>
Israel	<b>Kosovo</b>			Uruguay
<b>Montenegro</b> , Singapore, Taiwan, UAE, <b>UK</b> , Uzbekistan...	Mexico, South Africa, Russia, USA, <b>Ukraine</b> , Vietnam, Zambia...			Uzbekistan

# Merger control: Czech angle

- Are the turnover thresholds good enough?
- JV notifications frequent, do we need a local nexus in JVs (see Slovak amendment)?
- Would a change in the UOHS's practice in relation to the “local effect” test suffice? See Section 1(6) the Czech Competition Act...
- Need more guidance on turnover calculation?
- Need to notify non-full function JVs or change of control over them? See UOHS’s Mondi case
- Need a system of voluntary filings or any other alternative thresholds?



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# Thank you



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