

TABLE A : Information requirements – Procedural steps

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<u>State</u>	<u>Pre-notification Stage (Q5)</u>			<u>Alternate Forms (Q2)</u>				<u>Information Waivers (Q3)</u>		<u>Specific Info Within Form (Q4)</u>	<u>Additional Info Requests (Q6)</u>	<u>Last Update</u>
	<u>Y/N</u>	<u>Formalised?</u>	<u>Info aligned?</u>	<u>Y/N</u>	<u>Provided?</u>	<u>Eligibility conditions</u>	<u>Structure / Content</u>	<u>Type of info</u>	<u>Procedure</u>	<u>Conditions / Info</u>	<u>Conditions</u>	
Austria	Y	NO	Usually less info than in the form	Y	NO (Only a German version exists)	Available if there is no affected market, ie: - no creation of a dominant market position; - horizontal overlap and only less than 15% market share; - vertical overlap and only less than 25 % market share	N/A The standard notification form states that under certain conditions (see previous column), specific parts do not need to be filled in. In particular, a short form requires less information on the market.	All info not specifically mentioned in the Cartel Act (the Act contains a vague provision that refers to ownership structure and turnover of the parties, and market share and general market structure)	No specific procedure – cases discussed individually	N/A	No specific conditions – CA is entitled to ask for all further information it considers necessary	April 2016

State	Pre-notification Stage (Q5)			Alternate Forms (Q2)				Information Waivers (Q3)		Specific Info Within Form (Q4)	Additional Info Requests (Q6)	Last Update
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Belgium	Y	NO – but the rules adopted by the General Assembly of the Competition Council on the Simplified Notification of Concentrations refer to it and recommend that contact be made with the College of Competition Prosecutors at least 2 weeks before notification.	YES	Y	YES	<ul style="list-style-type: none"> - Acquisition of joint control over a JV which is not (or to a small degree) active on the national market (see form for further details) - None of the parties exercises activities on the same product and geographic markets, or on a product market situated upstream or downstream of another product market on which one or more parties to the concentration are active - In a horizontal relationship, the joint market share is less than 25% - In a vertical relationship, the individual or joint market shares are less than 25% - A party acquires sole control over an undertaking over which it already exercises joint control 	<p>Mirrors structure of standard form; information not required mentioned in parentheses:</p> <ul style="list-style-type: none"> - Description of the concentration - Information about the parties - Information concerning the concentration - Ownership and control (<i>minus info on interlocking directorate and minority shareholding</i>) - Supporting documents to be annexed to the notification (<i>minus documents prepared for corporate boards re concentration</i>) - Market definitions (<i>minus cases where target potential competitor or holds important IP rights</i>) - Information on affected markets (<i>minus HHI + info on vertical integration + imports + production/distribution method</i>) - General conditions on the affected markets (<i>only info on main suppliers and customers</i>) 	Any requirements contained in the notification form can be waived by the “Competition Prosecutor” if motivated	N/A	Certain sections need only be completed for the affected markets	<p>The Competition Prosecutor may ask for any additional information not required by the form but that he deems useful</p> <p><i>For instance, for more complex cases, more information on customers may be requested at the pre-notification phase for certain affected markets</i></p>	April 2016

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	Y/N	Formalised?	Info aligned?	Y/N	Provided?	Eligibility conditions	Structure / Content	Type of info	Procedure	Conditions / Info	Conditions	
Bulgaria	Y	NO – Guidelines envisage the possibility of a pre-notification meeting (the CA prepares the minutes including a brief summary of the issues that were discussed). Consultations relate mainly to: - procedure and other legal issues; - volume of info that should be contained in the notification form; - possibility of reducing the scope of info required; - issues regarding market definitions; etc.	N/A	N	N/A	N/A	N/A	Any info that, due to objective reasons, the parties do not have at hand (estimates should nonetheless be provided, with their sources)	No specific procedure – determined on a case by case basis	When the deal leads to horizontal and/or vertical relations → more detailed info about the markets likely to be influenced (market shares, barriers to entry, structure of supply and demand side)	The CA may request additional information that is deemed necessary, both before initiating the procedure and during the evaluation itself (notably when at a preliminary stage the deal raises potential competition concerns)	April 2016

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Croatia	N	NO	N/A	Y	YES	<p>Alternative conditions:</p> <p>1) No horizontal overlap between parties' activities, or no vertical relationship;</p> <p>2) Horizontal overlap between parties, but with a combined market share less than 15 %, and/or vertical relationship, but none of the individual or combined market shares at either level is 25% or more;</p> <p>3) A party is to acquire sole control of an undertaking over which it already has joint control;</p> <p>4) Acquisition of control over a JV which has no, or negligible, actual or foreseen activities on the national market</p>	<p>Mirrors structure of standard form; information not required mentioned in parentheses:</p> <ul style="list-style-type: none"> - Description of the concentration - Information about the parties - Details of the concentration - Ownership and control (<i>detailed information on competitors in affected markets: list of companies, members of governing boards, other concentrations in affected markets</i>) - Supporting documentation (copies of annual reports and accounts; copies of all analyses and reports) - Market definitions (<i>other markets where the operation may have a significant impact</i>) - Information on affected markets (<i>basis and sources for calculations; detailed HHI index; contacts of competitors; price and sales structure; vertical integration with competitors; imports/exports; transport, tariffs and trade barriers</i>) (- <i>general conditions in affected markets: simplified structure of supply; structure of demand; market entry; R&D; cooperative agreements; trade associations</i>) 	<p>Any info not necessary for the assessment of the concentration concerned.</p> <ul style="list-style-type: none"> - Cooperative effects of joint venture (<i>- overall market context and efficiencies</i>) 	No specific procedure	Yes, in case of affected markets and other markets in which the transaction may have a significant impact.	<p>When a short form has been filed, and the CA finds that there are substantial indications of significant impediment of effective competition by the merger, the CA may require a full notification to be made.</p> <p>In Phase II, the CA may ask for any data and documents which it might find necessary.</p>	April 2016

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Cyprus	N	N/A	N/A	N	NO	N/A	N/A	NO – No provision in the merger legislation for information to be waived.	The notification form must be fully completed in order for the case to be assessed.	NO – There are no information requirements which are triggered only when specific conditions are met.	When the CA decides to set in motion a procedure for a full investigation of the case	April 2016

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Czech Republic	Y	NO – Pre-notification contacts are not mentioned in the Czech Competition Act, but there is soft-law which deals with the issue of prenotification contacts	<p>These issues are typically discussed:</p> <ul style="list-style-type: none"> - jurisdictional issues; - completeness of the notification (whether to use a standard notification form or a short form, info required, ...); - substantive issues (definition of relevant markets, ...). <p>A request for a pre-notification consultation shall contain:</p> <ul style="list-style-type: none"> - a short description of the transaction, - a short description of the markets, and - a short description of the possible impact on competition in these markets. <p>A request may also contain a draft notification form.</p>	Y	YES	<p>Merger does not lead to a horizontally or vertically affected market:</p> <ul style="list-style-type: none"> - parties are not active in the same relevant market; or - horizontal overlap between parties, but with a combined market share less than 15%, and/or vertical relationship, but none of the individual or combined market shares at either level is 25% or more <p>A party is to acquire sole control of an undertaking over which it already has joint control</p>	<p>Mirrors structure of standard form; information not required mentioned in parentheses:</p> <ul style="list-style-type: none"> - Notifying Parties - Authorised representatives - Other undertakings concerned - Nature of the concentration - Affected sectors - Info relevant for the approval - Groups of individual undertakings concerned - Relevant markets - Personal links and previous concentrations (- <i>detailed information on relevant markets on the last 3 years: size, turnover, market shares; imports/exports; transport, tariffs and trade barriers</i>) (- <i>general conditions in relevant markets: structure of supply; structure of demand; market entry; R&D; cooperative agreements; trade associations</i>) - General information - Information relevant for the assessment of Community Dimension 	<p>Parties may be released from their obligation to provide translated versions of certain documents.</p> <p>Waivers possible for info and docs that are not necessary for the competition assessment.</p> <p>The CA has full discretion as to which information or documents can be waived.</p>	No special procedure	<p>In a standard form, only if there are affected markets, the following must be completed:</p> <ul style="list-style-type: none"> - information on affected or potentially affected markets (total size of markets; market shares of undertakings concerned, etc.) - general conditions in relevant markets (structure of supply and demand in affected or potentially affected markets, market entry, info on R&D, cooperative agreements and associations of undertakings). <p>In a short form, all parts must be completed.</p>	<p>If the CA considers additional information necessary, the CA may request it.</p> <p>In a standard procedure, the request stops the clock.</p> <p>In a simplified procedure the CA may also request additional necessary information, which stops the clock. Also, in a simplified procedure if the CA establishes that a notified concentration might raise competition concerns, it will require that the notifying party files a standard (full-form) concentration notification. As a result, a standard merger procedure is initiated.</p>	October 2016

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Denmark	Y	NO – Reference is only made in the Guidelines, which encourage parties to engage in pre-notification discussions. There is no further regulation of the pre-notification stage and the specificities will depend on the individual case.	Typically, the parties will send a draft notification to the Authority which, in practice, most often will give rise to some questions. Once the Authority is satisfied that it has sufficient information, it will give the parties an informal indication of this and encourage them to submit the formal notification.	Y	YES	<ul style="list-style-type: none"> - Acquisition of joint control over a JV which is not or to a small degree active on the national market (turnover thresholds – see answer). - A party acquires sole control over an undertaking over which it already exercises joint control. - None of the parties exercises activities on the same product and geographic markets, or on a product market situated upstream or downstream of another product market on which one or more parties to the concentration are active, <ul style="list-style-type: none"> - In a horizontal relationship, the joint market share is less than 15%; or - In a vertical relationship, the individual or joint market shares are less than 25%. <p>However, the CA may request the parties to submit a standard notification, at any time before clearance.</p>	<p>Mirrors structure of standard form; information not required mentioned in parentheses:</p> <ul style="list-style-type: none"> - Description of the merger - Information about the parties - Notification to other CA - Information about the merger - Financial information - Ownership and control (<i>detailed information: list of companies part of the group (>10%), members of governing boards, other concentrations in past 3 years</i>) - Markets (<i>affected markets and other markets where the operation may have a significant impact</i>) - Information about markets (<i>detailed analysis, HHI index, information on all competitors</i>) (- <i>general conditions in affected markets : simplified structure of supply; structure of demand; market entry; R&D; cooperative agreements; trade associations</i>) (-<i>efficiency gains</i>) - Coordination aspects for joint ventures -mergers fees - Support documentation (<i>analyses and reports; flowcharts etc.</i>) 	<p>The notifying party may request that the notification is regarded a complete notification even though the parties have not supplied some of the information specified in the notification form.</p> <p>In principle, there are no limits to what waivers the parties may request. However, the CA must of course be satisfied that the info is not necessary for its review of the merger.</p>	<p>The party must accompany such a request by a reasoned statement explaining why this info is not necessary</p> <p>The CA often grants such waivers</p>	<p><u>Full notification of mergers</u> The parties must provide information on:</p> <ul style="list-style-type: none"> - affected markets (market share of 15% or more in a horizontal relationship or market share of 25% or more in a vertical relationship); and - other markets where the merger may have a significant impact (defined in a similar way to the Commission CO Form definition). 	<p>The CA may demand all info that it considers necessary</p>	April 2016

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Estonia	Y	NO – Informal and not regulated by any legal act.	N/A	N	NO	<p>There is no short form notification <i>per se</i>, but the condition for submitting a short form are provided in the Guidelines:</p> <ul style="list-style-type: none"> - no horizontal overlaps or vertical relations between the activities of the parties to the concentration; - in a horizontal relationship, the joint market share is less than 15%; or - in a vertical relationship, the individual or joint market shares are less than 25%; - acquisition of joint control over a JV which is not active on the national market; - a party acquires sole control over an undertaking over which it already exercises joint control. 	N/A	Any info not necessary	No specific procedure	If affected markets exist, full notification form has to be submitted	<p>The CA may ask for additional information and the conditions for doing so are not defined.</p> <p>If the merging parties fail to submit necessary or additional information or materials within the term set by the CA, the running of the term of the proceedings shall be suspended as of the day following the date on which the CA sent the letter until the time the info or materials are submitted.</p>	April 2016

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Finland	Y	NO – Guidelines encourage parties to contact the CA before notifying a merger and preliminary consultations can be held	The CA must be provided with a written description of the planned merger or a draft of the merger notification well in advance of the preliminary consultations. No formal requirements of the information required at this stage, but should ideally include basic details about the undertakings concerned, a description of the merger and the reasons behind it, and an overview of the markets that the merger may affect, including estimates of the parties' market shares on these markets.	Y	YES	Suitable for mergers that have little impact on the national market. Notifying parties can seek the CA's consent to using the short form before submitting the notification, and the CA assesses the expediency of the short-form notification procedure on a case-by-case basis	Mirrors structure of standard form; information not required mentioned in parentheses: - party obliged to notify - other party to the concentration - seller - concentration (<i>description of the facilities, machinery, staff, immaterial rights that are object of the acquisition</i>) - turnover (<i>grounds for any adjustments, public financial support received, M&A in past 2 years, rationale for notification to CA and not EU</i>) - ownership and control (<i>detailed information on companies, accounts, group relations and voting rights, members of governing bodies</i>) - affected markets (<i>simplified information requested on markets: quantifications, foreign trade, market entry, general information on the market and its development, R&D</i>) (- efficiencies) (- trade associations) - ancillary restraints - notifications of the merger to other NCAs - Other issues - Annexes (<i>studies made or commissioned by the parties</i>)	N/A	The CA can grant waivers in the context of pre-notification contacts	The info requirements (Section 7) triggered only if there are affected markets (markets with a horizontal overlap exceeding 15% and vertical markets where parties have a combined market share exceeding 20% on either the upstream or the downstream market).	Additional info the CA deems necessary can be requested at any stage.	April 2016

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France	Y	NO - The pre-notification stage is not referred to in binding legal provisions, but informal and non-compulsory pre-notification contacts are highly recommended in guidelines.	Parties can submit a presentation of the operation (that describes the parties, the planned operation, the markets concerned, the competitors and the market shares of the parties), or a preliminary version of their notification file.	N	NO – no simplified form exists <i>per se</i> .			<p>a) Firms that carry out a significant number of controllable mergers each year can provide the mergers unit with a summary that contains the general info that is likely to be repeated in all the notifications of the coming year. They can then limit their notification to the info that is specific to each merger.</p> <p>b) when the merger is notifiable exclusively on the basis of the specific "retail" thresholds, the definition of the upstream supply markets and the assessment of the market shares of the buyer and of the target in these upstream markets can be omitted.</p> <p>c) when the buyer(s) is/are not present in the same markets as the ones in which the target(s) operate(s), or in upstream, downstream or related markets, if the delimitation of the relevant markets concerned is sufficiently obvious such as to imply the absence of any overlap or of vertical and related links between these markets or when the merger is notified solely on the basis of specific "retail" thresholds and does not result in a change in the stores' trade names → reduced financial info obligations + omission of market definition/market share info + no info on "significant contractual links" w/ 3rd parties.</p>	Any alleviation of the info requirements can only be triggered subject to meeting specific conditions, set out <i>ex ante</i> in the CA's merger guidelines. There is no case-by-case waiver system.	More detailed info to be provided when there are affected markets.	The CA has general powers to ask the parties for additional info which is necessary in order to examine more closely certain aspects of the merger.	April 2016

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Germany	Y	NO The German competition Act does not mention pre-notification contacts. There is no formalised procedure for pre-notification contacts.	Pre-notification contacts are not mandatory and only take place in a very limited number of cases. In practice, they are limited mostly to cases that appear to raise serious competition issues. In principle, it is up to the parties what kind of info they provide at this stage. There is no legal obligation to provide any info before the notification and merging parties will not be at a procedural disadvantage if they don't. In appropriate cases, the CA explains what kind of information may be helpful to be provided at this stage in order to make a preliminary assessment or in order to prepare the subsequent investigation. In some cases, merging parties submit a draft notification.	N	N/A	N/A	The use of notification forms is neither mandatory nor usual. Info requirements in all the cases are very limited and are clearly set out in the German Competition Act. One could say that every notification is basically a "short form notification". In addition, the German system is very flexible, in particular in cases that clearly do not raise any competition issues. In practice, the notification usually contains a basic overview of the parties and their business activities, the kind of transaction as well as the transaction's competitive effects, including basic information on relevant markets concerned and market conditions on these markets. Filing parties tend to volunteer relevant information beyond the minimum required by law and usually include in their filings additional information on overlap products or vertically or otherwise related activities, in particular, information on market shares (also if below 20 percent) and barriers to entry and expansion.	Given that mandatory information is minimal, waivers are usually not an issue. Nonetheless, any info that is not necessary can be waived by the CA.	Parties usually proceed with the filing and explain in the notification why it is not possible or extremely burdensome for them to provide the mandatory information. Waivers are usually granted informally. Formal procedures for the granting of waivers are not regarded as helpful for a speedy review of cases.	N/A, as there is no mandatory notification form. With regard to the info requirements contained in legislation, there are only two conditional requirements: - Parties must provide market shares for all markets in which their combined market share exceeds 20%. In practice, market shares figures are only requested by the CA in relation to markets on which the transaction may have an impact. - If the registered seat of a company that is a party to a merger is not located in Germany, an individual in Germany has to be identified that is authorised to accept service of legal documents.	The CA can require the merging parties and third parties to provide all the information that is necessary to assess the proposed concentration.	April 2016

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Greece	Y	NO – there is no official pre-notification stage, but parties may consult informally the CA	NO – exchanges revolve primarily around the obligation to notify when it is not clear if the eligibility criteria are met, or if the nature of the transaction may not qualify as a merger.	Y	NO (no official English version)	If the merger does not lead to restrictions to competition, usually when: - none of the parties is present on the same product and geographic markets, or on a product market situated upstream or downstream of another product market on which one or more parties to the merger are active - there are no affected markets (joint market share above 15% in the case of horizontal mergers, single or joint market share above 25% for both upstream and downstream markets in the case of vertical mergers) - a party acquires sole control over an undertaking over which it already exercises joint control.	Mirrors structure of standard form; information not required mentioned in parentheses: - Description of the merger - Info on the parties - Detailed info on the merger - Nature of ownership and control (<i>list of entities with direct or indirect control in affected markets; list of entities with 10% voting rights; members of boards ; mergers in the past 3 years</i>) - Supporting docs - Info on affected markets (<i>contact information on competitors, imports, pricing policies, comparative prices in other EU countries, vertical integration</i>) (- <i>structure of supply and demand in affected markets</i>) (- <i>entry conditions in affected markets</i>) (- <i>R&D; cooperation agreements, business associations, efficiency issues</i>) - Evaluation of the collusive effect in the case of a JV - Community dimension - Media sector (if applicable).	1) Parts of the requirements that the parties believe are not crucial for the assessment of the merger. 2) The parties may also submit a request asking for their notification to be accepted, even though they have not submitted all the requested info, if it is reasonable that they do not have it.	1) No standard procedure for this waiver request - parties should submit a justified request to be exempt from the obligation of submission of the relevant information. 2) N/A	Specific information is requested in the case of a merger in the media sector, where national law applies. Parties may also choose to provide info on efficiency gains, though this is optional.	The CA may organise a dawn raid if it believes that the info is not exact. The CA has discretion to request further info (though the form is fairly exhaustive).	April 2016

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Hungary	Y	YES	<p>YES – the purpose of the pre-notification contacts is to clarify the scope of the data and the documents required to be submitted in the formal notification.</p> <p>Parties need to make written preparatory notes before the meeting that contain:</p> <ul style="list-style-type: none"> - a brief summary of the proposed transaction, - the relevant markets, - market shares, - the envisaged effects on competition and - any other circumstances that need to be evaluated in the parties' view. <p>The written preparation can be made by submitting the draft of the notification form, or by a presentation or other memorandum.</p>	N	NO	<p>N/A</p> <p>A distinction between simplified and full proceedings also exists and is based on market shares, i.e. 20% in horizontal, and 30% in vertical relations</p> <p>However, the notification form uses 5% lower (i.e. 15% and 25%) thresholds in order to catch all potentially problematic cases.</p>		<p>Any information that is not necessary for the evaluation of the merger and which would be overly burdensome for the undertakings to acquire</p>	<p>No specific procedure.</p> <p>In practice, undertakings usually discuss these issues during the pre-notification stage (if there is one), thus avoiding the need for an additional request for information concerning these questions or documents.</p>	<p>There is only one form, but that can be partially filled depending on the market shares</p> <p>The "detailed" parts only need to be filled in if:</p> <ul style="list-style-type: none"> - there is a horizontal overlap and the combined market share of the companies reaches 15% on this market; - significant related markets exist (eg via vertical relations), where one of the parties' individual or combined market share reaches 25% on either of the markets. <p>Absent these conditions, no need to provide, e.g., a customer and supplier list, a detailed description of the market and the expected changes as a result of the merger or to estimate competitors' market shares.</p>	<p>There are 3 ways in which additional info can be obtained</p> <ol style="list-style-type: none"> 1) The case handler may issue a request for remedying deficiencies within 15 days following receipt of the application 2) In the case of a complete notification (or after the 15 days have elapsed) a request for remedying deficiencies may be issued during the proceedings if such measure is necessary with a view to any new info discovered during the clarification of the facts of the case 3) The third tool can be considered as the classic request for information, which can be used against parties and third parties 	April 2016

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Ireland	Y	YES	<p>The purpose of pre-notification discussions is to:</p> <p>(1) assist parties in the preparation of the notification form and</p> <p>(2) give parties the opportunity to provide an introductory explanation to the CA's staff about the nature of competition in the relevant industry(ies) or sector(s) concerned.</p> <p>The CA may also waive completion of parts of the form.</p> <p>A written submission should describe the transaction, the business activities of the parties, the market(s) involved and any potential competition effects of the transaction.</p>	N	N/A	N/A	N/A	The CA in pre-notification discussions may give conditional approval for specific sections of the form not to be completed fully (e.g where there is no overlap between the parties' activities, it is usual practice to request an exemption from completing the section which requires a description of the conditions of competition in relation to markets where there is a horizontal or vertical overlap)	No specific procedure	NO - All parts of the form need to be completed	Where the CA is of the opinion that it requires further info it may, by written notice, require the undertakings to supply specified info within a specified period.	April 2016

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Italy	Y	YES	<p>CA provides info and clarifications on how and what to file and, more generally, on the merger procedure</p> <p>When a certain threshold is met; undertakings may submit an informal document to the CA, at least 15 days before the date of the formal communication, with the following info:</p> <ul style="list-style-type: none"> - undertakings carrying out the operation; - brief description of transaction; - markets affected by the transaction; - position of the parties in the affected markets; - if the operation has been or ought to be brought to the attention of the competent authorities of other countries. <p>The document is used to discuss with the CA any issues relating to the preparation of the formal notification. Time-frame and modalities of the pre-notification stage are agreed by the CA and the parties.</p>	Y	YES	<p>The short-form applies to all concentrations for which full-form notification is not required.</p> <p>A full-form notification is required when:</p> <p>a) two or more parties operate in the same affected market and the merger will lead to a combined market share of 25 % or more; and/or</p> <p>b) one of the parties will have a market share post-merger of 40 % or more, when at least one other party operates in an upstream or downstream market.</p> <p>A full-form notification is required "only in relation to the affected markets in respect of which at least one of the aforementioned conditions is met.</p>	<p>Mirrors structure of standard form; information not required mentioned in parentheses:</p> <ul style="list-style-type: none"> - Background info - Details of the concentration - Participating parties - Financial and personal links - Affected markets (<i>main trade marks, (-General conditions on the affected markets : structure of supply, structure of demand, market entry, other information: R&D, cooperative agreements, trade associations)</i>) - Supporting documentation 		<p>There is no procedure to waive info requirements <i>per se</i> but the parties may give justifications for the failure to provide said information, in which case the notification may nonetheless be deemed complete.</p>	<ul style="list-style-type: none"> - for foreign undertakings, the amounts in foreign currency "must be converted into euro"; - specific criteria for calculating the turnover of credit and other financial institutions and insurance companies; - prior notification of any merger or acquisition as a result of which, "in any one of the 12 main towns within film distribution zones , an undertaking would hold, directly or indirectly, a market share larger than 25% of the turnover from film distribution and, simultaneously, more than 25% of the operating movie theatres"; - ancillary restraints must be notified together with the merger to the CA 	<p>The CA may ask the undertakings to supplement the info submitted when it considers that any of the documents and/or annexes are incomplete.</p>	April 2016

State	Pre-notification Stage (Q5)			Alternate Forms (Q2)				Information Waivers (Q3)		Specific Info Within Form (Q4)	Additional Info Requests (Q6)	Last Update
	Y/N	Formalised?	Info aligned?	Y/N	Provided?	Eligibility conditions	Structure / Content	Type of info	Procedure	Conditions / Info	Conditions	
Latvia	Y	No – but the CA welcomes pre-notification discussions and actively encourages their use	Consult on the necessity of submitting a notification (is it a concentration or not), and discuss considerations on the affected markets, market definition. Usually it is recommended to prepare a draft notification, which is reviewed to evaluate its completeness.	Y	YES	Parties would submit a short report if: - parties to the merger are neither competing nor operating in vertically related markets or - the aggregate market share in the relevant market is no more than 15%. If these criteria are not met, parties submit the full form. In case if data in short notification report (alternate form) is not enough for evaluation of merger CA can ask full form.	The short report would require: - Smaller list of persons who may have decisive influence in the parties to the merger and in which parties to the merger may have decisive influence. - Less information on legal, financial and economic aspects of the merger. - Less detailed info on the affected markets.	All info is required. However, the CA tolerates slight inaccuracies regarding relevant markets and market shares (difficulties in obtaining correct business data). Some info can sometimes be waived, if it obviously does not impede the review of the merger (the CA can allow submitting these documents later).	There is no procedure provided in the law. Parties may explain their circumstances during the pre-notification consultations and in the notification form. CA waives merging party from submitting a part of information in the official letter where also it informs on the date when the notification report is recognized as complete.	When there are affected markets, parties must assess their relevant market share on such markets. In addition, parties must provide information about such markets, regardless of their relevant market share.	CA can ask all info necessary for review (additional to the data submitted in the notification report) of the merger in any stage of review. If CA asks additional data it set a deadline for submission. The term is not defined in law, CA set it depending on the nature and volume of data.	April 2016

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	Y/N	Formalised?	Info aligned?	Y/N	Provided?	Eligibility conditions	Structure / Content	Type of info	Procedure	Conditions / Info	Conditions	
Lithuania	Y	Pre-notification contacts and discussions are encouraged, though neither binding, nor regulated.	Parties are encouraged to submit a draft notification of concentration.	N There is only one standard form, but the type of information and its scope depends on the probable combined market share held by the undertakings after the concentration, i.e. 20% for horizontal overlap, 30% for vertical relations. If there is no overlap of affected markets, the notifying party must fill in only certain parts of the notification form.	N/A	N/A	N/A	Any information which : - is not necessary for the examination of the proposed transaction; or - the party cannot obtain, for objective reasons.	The notifying party may provide motivated request the CA to waive such info.	More detailed and additional info to be provided when there are affected markets or markets where the concentration might have a significant impact.	The CA is entitled to obtain information over and above the info required in the notification that is necessary to adopt a decision on the transaction.	April 2016

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	Y/N	Formalised?	Info aligned?	Y/N	Provided?	Eligibility conditions	Structure / Content	Type of info	Procedure	Conditions / Info	Conditions	
Malta	Y	<p>Yes - The pre-notification stage whereby the case-team and the parties discuss prior to the formal filing of the notification is mentioned in a legal instrument.</p> <p>Section A of the Schedule provides that it should be noted that pre-notification meetings are extremely valuable to both the notifying parties and the CA in determining the precise amount of information required in a notification and, in the large majority of cases, will result in a significant reduction of the information required</p>	<p>Yes - notifying parties are encouraged to consult the CA regarding the possibility of dispensing with the obligation to provide certain information (see Section B(g) on the possibility of dispensation).</p>	Y		<p>The short form applies to cases where a joint venture has no, or <i>de minimis</i>, actual or foreseen activities within the Maltese territory.</p> <p>Such cases occur where joint control is acquired by two or more undertakings, and where:</p> <p>i) the turnover of the joint venture and/or2 the turnover of the contributed activities, is less than €698,812.02 in the Maltese territory; and</p> <p>ii) the total value of assets³ transferred to the joint venture is less than €698,812.024 in the Maltese territory.</p>	<p>Mirrors structure of standard form; information not required mentioned in parentheses:</p> <ul style="list-style-type: none"> - Background info - Details of the concentration (a brief explanation of the economic and financial structure of the concentration) - Ownership and control (<i>other undertakings than the ones controlled by the parties</i>) (- <i>Financial and personal links</i>) - Supporting documentation (offer document in a public bid; analyses, reports and studies on affected markets) (- <i>Information on affected markets</i>) (-<i>General conditions on the affected markets : structure of supply, structure of demand, market entry, other information: R&D, cooperative agreements, trade associations</i>) (- <i>general market information</i>) - Cooperative effects of a joint venture - Ancillary restraints [optional] - Mention the 5 largest suppliers, customers and competitors. 	<p>Possibility of dispensation to provide information in two cases:</p> <ul style="list-style-type: none"> - such information is not reasonably available to the parties in part or in whole (for example, because of the unavailability of information on a target company during a contested bid); - any particular information requested by the Notification Form, in the full or short form version, may not be necessary for the CA's examination of the case. 	<p>Notifying parties are encouraged to consult the CA regarding the possibility of dispensing with the obligation to provide certain information (Section B(g) on the possibility of dispensation).</p> <p>The CA will consider such requests, provided that reasons are given either for the unavailability of information or why specific information is not relevant and necessary to the inquiry.</p>	<p>There are certain requests for information within the notification form that are triggered by the verification or acquisition of particular conditions. Usually they are information requests tied to affected markets or non-affected markets</p>	<p>In carrying out its assigned duties, the CA may obtain all necessary information from undertakings and persons controlling such undertakings and associations of undertakings.</p>	April 2016

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	Y/N	Formalised?	Info aligned?	Y/N	Provided?	Eligibility conditions	Structure / Content	Type of info	Procedure	Conditions / Info	Conditions	
Netherlands	Y	<p>1) The CA may provide informal non-binding answers to questions put to it by the parties (should be limited to the interpretation of conditions in the Dutch Competition Act)</p> <p>2) Parties can request a pre-notification meeting (Authority not obligated to comply with such a request but usually encourages parties to make use of this option).</p>	<p>2) The request for the pre-notification meeting should be accompanied by description of the nature of the transaction, the markets involved and possibly the questions the parties want answers to.</p> <p>Parties are also encouraged to prepare a draft notification form.</p>	-	-	2-step merger regime. In the first phase (notification phase) the 'Formulier Melding Concentratie' has to be used. If the concentration is not approved in the first phase, a license has to be requested for which parties have to fill in the 'Formulier Aanvraag Vergunning'. Only after the submission of the license application will the phase two investigation start.	N/A		The CA does not refer to any specific procedure.	<p>Specific info required:</p> <ul style="list-style-type: none"> - if the company is part of a group - if company is a credit company or a financial institution - if the notification relates to a JV - for healthcare providers - if there are affected markets (market research on market delineation, as well as names of the undertakings involved in the market, addresses, tel numbers and names of private parties which aim to defend the interests of the companies active on the market concerned). 	Can request additional info from parties	April 2016

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	Y/N	Formalised?	Info aligned?	Y/N	Provided?	Eligibility conditions	Structure / Content	Type of info	Procedure	Conditions / Info	Conditions	
Poland	Y	NO – No pre-notification stage is foreseen. No provisions safeguarding confidentiality.	Undertakings are offered limited guidance on interpretation of legal provisions concerning merger control. Meetings are organised only in exceptional circumstances – this is rare.	N	NO	N/A	N/A	1) if the notifying undertaking does not have access to the whole or part of some information or documents and it failed to gain access to such information, such information may not be required 2) if the missing information or documents are not objectively necessary	1) undertaking must prove that it took proper steps and due care in taking actions aimed at obtaining such info or docs. Undertaking must provide estimates, and must inform CA if obtains said info or docs. 2) burden of proof is on parties.	The second part of the form consists of description of affected markets. Undertakings are required to provide info in this part only if such affected markets exist. To establish affected markets, market share criteria are used: - 20% for horizontal overlap, - 30% for vertical relations and - 40% for conglomerate effects	The CA may request any info that is necessary and obtain any relevant doc that is deemed crucial for the case (from the parties and third parties)	April 2016

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Portugal	Y	YES	YES – the undertakings can request a prior assessment by the CA: the info should be aligned, as much as possible, with the forms	Y	YES	<ul style="list-style-type: none"> - Absence of horizontal overlaps, vertical effects, or conglomerate effects - Horizontal overlap, but (i) the aggregate market share does not exceed 15%, or (ii) the aggregate market share is superior to 15%, but inferior or equal to 25%, if the additional market share arising from the notified transaction does not surpass 2%; - Vertical effects, but individual or joint market shares (upstream or downstream) do not exceed 25%; - Parties are active in neighbouring markets, but individual or joint market shares (upstream or downstream) do not exceed 25%. 	<ul style="list-style-type: none"> Mirrors structure of standard form; information not required mentioned in parentheses: <ul style="list-style-type: none"> - General information - Description of the concentration (<i>time schedule, economic and financial structure of the operation, financial support received, analyses, reports or studies</i>) - Ownership and control before and after the concentration (<i>articles of association; shareholder agreements</i>) - In the case of the creation of a Joint-Venture (<i>-personal and financial relationships: governing bodies, companies operating in affected markets</i>) - Delimitation of the Relevant Product Market - Relevant Geographic Market's Delimitation - Related Markets (<i>contacts of competitors</i>) (- <i>general information about relevant markets</i>) - Supply Structure of the Relevant Markets (<i>estimate of market shares</i>) (- <i>Demand structure</i>) (- <i>Information on each participating companies</i>) (- <i>Other information such as efficiency gains, anticompetitive clauses</i>). 	<ul style="list-style-type: none"> For each section of the standard form, certain information in italics can be waived such as: <ul style="list-style-type: none"> - Description of the concentration: any financial or other support received by the parties for the implementation of the operation; analyses, reports, studies or other documents. - Control structure: members of the governing bodies of undertakings where the merging parties have minority shareholdings. - Affected markets: amounts and values, in import and exports, for product/services involved in the last 3 years; transport cost; production capacity and utilisation; development of prices; importance of public markets; need for heavy investments; R&D, market stages. - Information on supply and demand structure. - Efficiency gains. 	If the CA ultimately deems this info necessary, it may send a request to the parties (which will suspend the deadline for the CA's assessment)	Part of the form to be filled out only if the transaction pertains to a JV	At any time, more info or documentation can be requested by the CA (this suspends the time limit for the CA's assessment, until the day the CA receives the elements, along with a non-confidential version of the info)	April 2016

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Romania	Y	YES	<p>The parties shall make available to the CA all info deemed necessary for the analysis (complete or short form), such as:</p> <ul style="list-style-type: none"> - identification of the merging parties, - brief description of the merger, - type of control, - markets on which the parties are active, - their market shares. <p>The categories of info to be made available to the CA are also required by the notification form.</p>	Y	YES	<p>Simplified procedure mainly applied to the following mergers:</p> <p>a) Acquisition of joint control over a JV which is not or to a small degree active on the national market (see answer for thresholds)</p> <p>b) None of the parties exercises activities on the same product and geographic markets, or on a product market situated upstream or downstream of another product market on which one or more parties to the concentration are active</p> <p>c) two or more undertakings merge, or one or more undertakings acquire sole control or joint control of another undertaking, combined with market share thresholds (see answer)</p> <p>d) a party is to acquire sole control of an undertaking over which it already has joint control.</p>	<p>Mirrors structure of standard form; information not required mentioned in parentheses:</p> <ul style="list-style-type: none"> - Description of the Concentration - Information about the Parties <i>(detailed information about the parties)</i> - Details about the Concentration - Ownership and Control <i>(M&A in the past 3 years)</i> - Attached Documents <i>(certified balance sheets, reports, analyses, studies etc..)</i> - Definition of Markets: Relevant Product Markets, Relevant Geographic Markets, Declared Markets <i>(less detailed analysis on affected markets)</i> - Market Information <i>(less detailed, no IHH analysis)</i> <i>(-structure of demand, structure of supply, market entry, R&D, cooperative agreements, efficiencies, associations)</i> - Cooperative Size of a Joint Venture 	<p>The form can be adapted to the specific circumstances of the case. Information requirements can be waived upon the parties' request, according to a case by case analysis.</p>	N/A		<p>No rules, but the regulation does not impede on the authority's ability to request all the information necessary.</p>	April 2016

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	Y/N	Formalised?	Info aligned?	Y/N	Provided?	Eligibility conditions	Structure / Content	Type of info	Procedure	Conditions / Info	Conditions	
Slovakia	Y	NO – just mentioned in the guidelines	The scope of info discussed at the prenotification stage usually corresponds to the scope of info required in the actual notification form	Y	NO	The criteria for eligibility are set out in the Decree and details are set out in the guidelines – the criteria almost fully mirror those set out in the Commission's notice on a simplified procedure	Information omitted from short form as compared to full form: - <i>definition of affected markets and potentially affected markets as well as data (e.g. estimates of the volume of imports and exports, the competitors and their market shares, capacity estimates)</i> - <i>general conditions on the affected markets (such as information on suppliers, demand structure, product differentiation and competition proximity, market entry/exit, R&D, cooperation agreements and associations present on those markets)</i> - <i>information of the envisaged efficiencies of the merger.</i>	Info requirements can be waived in substantiated cases upon the parties' request	Requests have to be duly reasoned, setting out reasons why the parties deem the info not to be relevant for the assessment of their merger or specifying that the info is not available to them. CA retains full discretion whether to award or not the waiver.		If it is necessary for the assessment of a particular merger, the CA can request info exceeding the scope requested in the forms (usually in the event of new markets not dealt with in the past)	April 2016
Slovenia	Y	NO – but parties are encouraged to discuss the merger before the formal filling of the notification	YES	N	N/A	N/A	N/A	Parties may ask for waivers if they believe the data required under certain points is not necessary	No specific procedure	Parties must provide data for undertakings over which they have direct or indirect control only if these undertakings are active on any relevant markets. The parties must state sales and volume data when there are markets which are affected by the merger.	The CA can always request info which is not requested by the form, but in that case the deadline for issuing a decision is not suspended as it runs from the date of receipt of a complete notification.	April 2016

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	Y/N	Formalised?	Info aligned?	Y/N	Provided?	Eligibility conditions	Structure / Content	Type of info	Procedure	Conditions / Info	Conditions	
Spain	Y	No the merger procedure includes a voluntary pre-notification stage but there is not a formal procedure or requirements.	YES – insofar as the parties send a draft of notification form which the parties can discuss with the case team	Y	YES	<p>a) none of the parties is engaged in activities in the same product and geographic market, or in a market which is upstream or downstream of a market in which another party is engaged.</p> <p>b) the participation of the parties in the market, due to their negligible importance, is not capable of having a significant effect on competition (see answer for illustrations with market shares).</p> <p>c) Where a party is to acquire sole control of a company over which it already has joint control.</p> <p>d) Acquisition of joint control over a JV which is not or to a small degree active on the national market (= its turnover does not exceed or is not expected to exceed 6 million euros).</p> <p>However, (i) short forms may be accepted in other circumstances, & (ii) normal forms may be required for cases that would otherwise qualify for short forms.</p>	<p>Mirrors structure of standard form; information not required mentioned in parentheses:</p> <ul style="list-style-type: none"> - Info on parties - Nature, characteristics and dimension of the operation - Ancillary restrictions - Previous ownership and control (<i>complete list of companies with board members and M&A in past 3 years</i>) - Market definitions (<i>less detailed analysis on relevant markets</i>) - Info on relevant markets (<i>structure of supply, structure of demand, market entry, R&D, cooperative aspects, vertical aspects</i>) (- <i>General questions: positive contributions, efficiencies, Eu and global context</i>) - Attached documents 	Possible if the analysis of the CA is not affected and it has been agreed at the pre-notification case.	There is no specific legal provision. Waivers are usually granted informally.	N/A	<p>May require the notifying party to provide, within a period of ten days, documents or other necessary elements. This term can be modified if necessary.</p> <p>May request info that it deems appropriate for the adequate assessment from third parties</p> <p>May request the reports that it deems necessary from anybody of the same or different Administration</p>	April 2016

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Sweden	Y	NO – However, the Public Access to Information and Secrecy Act (SFS 2009:400) contains a special rule referring to prenotification contacts with the CA, granting absolute confidentiality regarding such contacts until a formal merger notification has been submitted.	<p>The info provided by the parties during pre-notification contacts differs depending on what needs to be discussed.</p> <p>Normally, the parties provide a draft notification.</p> <p>However, if there are only specific questions (such as whether a transaction is to be regarded as a merger or not), the info provided is focused on that specific issue.</p> <p>The CA does not require the parties to send in all documentation necessary for a complete notification (share purchase agreements, supporting documents, annual reports etc.).</p>	N	N/A	N/A	N/A	Type of info depends on the case	<p>No specific procedure</p> <p>If a request for waiver is raised during the pre-notification meeting, the CA normally answers within 1 or 2 working days</p>	<p>- For "markets that may be affected" (horizontal overlaps with a combined market share less than 20%, or vertical relations with market shares upstream and downstream less than 30%), more info requested (estimated market shares, contact details of important customers and competitors).</p> <p>- For "markets concerned" (horizontal overlaps with a combined market share of 20% or more, or vertical relation with a market share of 30% or more), provide:</p> <ul style="list-style-type: none"> - more info, including deeper info about those markets; - further documentation (supporting docs used to assess the concentration with respect to market shares, competitive conditions, competitors, the purpose of the concentration and general market conditions). 	The CA may ask for any information it needs during the investigation	April 2016

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UK	YES	<p>NO. Whilst not a legal requirement, pre-notification discussions usually take place when the parties have decided to notify a merger (optional).</p> <p>Discussions with the case team on a confidential basis are strongly encouraged at least two weeks before the intended date for notification (even in cases that the parties consider to be non-problematic).</p> <p>Parties seeking to hold pre-notification discussions complete a case team allocation form to allow for the selection by the CA of an appropriate case team. The CA endeavors to allocate case teams within five working days.</p>	<p>YES. Pre-notification typically on the contents of a draft notification, prior to formal submission.</p> <p>Ensure that notifications are complete at the time of an actual submission. The 40 working day statutory timetable for considering the merger does not start until the CA has confirmed to the parties that it has received a complete Merger Notice.</p>	NO	N/A	<p>There is no requirement to notify mergers.</p> <p>Therefore, it is perfectly acceptable for parties not to notify a merger which meets the jurisdictional thresholds and where competition concerns clearly do not arise because there is no (or no material) overlap between the merger parties' activities (and where there is no non-horizontal concern).</p> <p>This voluntary approach obviates the need for a 'short-form' notification.</p>	N/A	<p>The Merger Notice Template sets out the categories of information that the CA typically requires to undertake an assessment of a merger at Phase 1. In some cases, specific information set out in the template Merger Notice will not be required in order for the CA to accept the Merger Notice as complete.</p>	<p>The precise extent of information required in each case will depend on the nature and complexity of the transaction and is a matter for discussion between the parties and the case team. Such pre-notification discussions can help reduce the amount of information that the CA needs from the business.</p>	<p>The Merger Notice includes sections for a notifying party to provide details for those candidate markets where an overlap has been identified:</p> <ul style="list-style-type: none"> - internal documents relating to competition conditions in a given market where the parties' combined share of supply >15%; - internal documents relating to the buyer power where the parties' combined share of supply in a candidate market >25%; - details on competitors and customers to assess vertical and horizontal effects where the parties' combined share of supply in a candidate market >25%. <p>Several sections are also completed at the discretion of the parties such as the countervailing buyer power or efficiencies and customer benefits.</p>	<p>When necessary, the CA asks additional, or more comprehensive, information from the merger parties than is contained in the Merger Notice. The CA has the power to issue a notice requiring a person to provide information or documents, or to give evidence as a witness. Failure to comply with such a notice can lead to a delay in the statutory timetable or, in more serious cases, a fine being imposed on the company concerned.</p>	April 2016

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Norway	Y	NO – There is no reference in the Competition act, but the guidelines describe the pre-notification stage, and encourage pre-notification contacts	NO – There are no formalised info requirements on this stage	Y	NO – No notification forms have been developed, but Regulation of 11 December 2013 no 1466, sets out the conditions for submitting a simplified notification. Furthermore, the Regulation sets out the information requirements for the simplified notification (no English version)	Simplified notification applies for mergers that are unlikely to raise competition concerns. One of these conditions must be met: 1. JV: the JV has no, or negligible, actual or foreseen activities within the territory of Norway. 2. A party is to acquire sole control of an undertaking over which it already has joint control. 3. No horizontal overlap between parties' activities, or no vertical relationship; 4. Horizontal overlap between parties, but with a combined market share less than 15%, and/or vertical relationship, but none of the individual or combined market shares at either level is 25% or more.	Regulation no 1466 specifies the information that must be provided: - name and address for each of the parties - description of the nature of the transaction - description of each of the parties and undertakings in the same group and the nature of the undertakings' business - name of the 5 most important competitors, customers and suppliers - copies of the most recent annual reports and accounts of the parties, unless these are available for the public - establish that the conditions for the simplified notification are met -JV: if two or more parents retain to a significant extent activities in the same market as the JV or in a market which is upstream or downstream from that of the JV or in a neighbouring market closely related to this market, this information must be provided.	The CA has discretionary authority to waive information requirements	No specific procedure	Some info requirements are triggered only when specific conditions are met (see Competition Act section 18 – not available in English)	The Authority may request any necessary additional info (See Competition Act section 24 – not available in English)	April 2016