

MERGER CONTROL
WINTER SEMESTER 2017/2018
CASE STUDIES REGARDING NOTIFICATION OBLIGATION

→ Decide whether the following concentrations shall be notified to the Commission or not:

CASE I

Undertakings from Russia and Macedonia, both actively operating in Asia, Africa and Europe, decided to establish a joint venture targeted on the EU internal market. Both of them reach turnover thresholds indicated in the EU Merger Regulation, but their statutory seats are located in Moscow and Skopje respectively. In addition to this, undertakings concerned decided that all their relations shall be governed by Turkish law.

CASE II

Undertaking A plans to acquire 80% of shares in undertaking B. Both of them operate on the EU market. The estimated combined aggregate turnover of both, A and B, is expected to reach EUR 6 000 million. Undertaking A operates in 10 countries, 8 of them being member states to the EU. Undertaking B operates on European and African markets. It is present just in one EU member state, where it scores about 4/5 of its worldwide turnover.

CASE III

Undertakings C and D, both having seat and operating within the EU internal market, are planning to establish a joint venture. Their combined aggregate worldwide turnover is 4 500 million EUR, where 1 500 million EUR is reached in 5 Member States (1 000, 200, 100, 50 and 50 million respectively).

Would the answer be different if 1000 million turnover was generated by undertaking E, in which undertaking D has 60% of shares?