**SHORT FORM**

**for the notification of a concentration[[1]](#footnote-2)**

**PURSUANT TO REGULATION ON ECONOMIC CONCENTRATIONS**

*Description of concentration*

Provide a brief summary of the concentration, specifying the parties to the concentration, the nature of the concentration (for example, merger, acquisition, or joint venture), the areas of activity of the parties to the concentration, the markets on which the concentration will have an impact, and the strategic and economic rationale for the concentration.

This summary must be drafted insofar it does not contain confidential information, since it shall be published on the official web site of the Competition Council and in the Official Gazette.

**Section 1**

**Information about parties**

1.1. Information about the notifying party (-ies). Provide details about:

1.1.1. name of undertaking (specify IDNO) and name or surname or natural person (specify IDNP);

1.1.2. address/ registered office (according to the registration certificate from the State Registration Chamber) and the administrative offices (real seat) of the undertaking;

1.1.3. type of activity conducted by the undertaking, stating main and secondary activities;

1.1.4. name, address for mailing, telephone and other means of communication of the contact person for liaison with the competition authority and the position held by this;

1.1.5. address of the notifying party (or each of the notifying parties) to which the correspondence and documents can be sent, in particular, the decisions of the Competition Council Plenum.

1.2. information requested in p. 1.1. shall be submitted for other parties to concentration as well (other than the notifying party (-ies)).

1.3. Appointment of representatives

*If the notifications are signed by representatives of parties to notification, these must submit the written proof that they are enabled in this respect.*

Representatives enabled by the parties to concentration, shall provide the following contact information each specifying whom it represents:

1.3.1. name, surname of the representative;

1.3.2. address/ registered office of the representative;

1.3.3. name, address, telephone numbers and other means of communication of the contact person;

1.3.4. address of the representative to which correspondence and documents may be sent.

**Section 2**

**Details on concentration**

2.1. Describe the character of the notified economic concentration, specifying:

2.1.1. way of carrying out the notified economic concentration:

a) by merger;

b) by acquiring sole or joint control (by purchase of securities (social parts) or assets, by contract or other means);

c) by creation of a joint venture under art.20 para.(2) from the Law;

2.1.2. whether economic concentration refers to all undertakings concerned of part thereof;

2.1.3. short description of economic and financial structure of economic concentration;

2.1.4. whether economic concentration must be approved by other authorities and the situation of obtaining approvals in question;

2.1.5. whether economic concentration is conditioned by certain special events of by fulfilment of special conditions;

2.1.6. ownership and control structure both before and after the economic concentration;

2.1.7. any financial aid or of other character received by the parties from diverse sources (including from public authorities), as well the nature an value of this aid;

2.1.8. economic sectors involved in the concentration;

2.2. Specify the value of transaction (the purchase price or the value of all the assets in question, if appropriate).

2.3. For each of the parties involved in the concentration, the following data for the last 3 years[[2]](#footnote-3) shall be submitted:

2.3.1. the total turnover worldwide;

2.3.2. the total turnover achieved in the Republic of Moldova;

2.3.3. the total turnover achieved the Republic of Moldova, broken down by categories of activity and products;

2.4. Where the operation refers to acquisition of joint control of a joint venture, the following information shall be provided:

2.4.1. total turnover of joint venture and/or turnover form activities transferred to the joint venture; and/or

2.4.2. total value of assets transferred to the joint venture.

2.5. Specify the purpose of economic concentration.

2.6.Specify whether the operation has been notified to other competition authority in another country.

**Section 3**

**Control and ownership[[3]](#footnote-4)**

For each of the parties to concentration a list shall be submitted containing all undertakings being part of the same group. This list shall contain:

3.1. all undertakings or persons controlling, directly or indirectly the parties

3.2. all undertakings on any of the affected markets, controlled directly or indirectly:

a) By these parties;

b) by any other undertaking mentioned in p. 3.1.

For each undertaking listed above, mention the nature and means of control.[[4]](#footnote-5)

**Section 4**

**Supporting documents**

Notifying parties must provide the following documents authorized by signature and seal:

4.1. Copies of the final or most recent versions of all documents bringing about the concentration, whether by agreement between the parties to the concentration, acquisition of a controlling interest or a public bid;

4.2. Copies of the financial reports from the year prior to concentration;

**Section 5**

**Market definitions[[5]](#footnote-6)**

Identify reportable markets on which the economic concentration shall occur.

**Section 6**

**Information on affected markets**

For each market mentioned in section 5, for each of the last three years, provide the following information:

6.1. list of manufactured products and/or commercialized by the parties involved in concentration, as defined by the undertakings themselves, for marketing purposes (after Nomenclature of Goods of the Republic of Moldova);

6.2. estimation of total size of the market in terms of sales value and volume thereof (in physical units); specify the calculation base and the sources used in this respect, and submit, if available, documents necessary for confirmation of these calculations;

6.3. sales, in value and volume of each of the parties to concentration and its groups, as well an estimation of market shares;

6.4. for horizontal relationships, estimation of market share as value, and if appropriate, as volume, of main competitors (indicating the basis of estimation). Provided the address, telephone numbers, other means of communication, for these competitors.

**Section 7**

**Cooperative dimension of a joint venture**

For the purpose of Article 20 para. (3) from the Law, answer the following questions:

1. two or more parents retain to a significant extent activities:

- in the same market as thenew joint venture or

- in a market which is upstream or downstream from that of the new joint venture or

- in a neighboring market closely related to this market?

If the *answer is affirmative*, please indicate for each of the markets referred to here:

— the turnover of each parent company in the preceding financial year;

— the economic significance of the activities of the joint venture in relation to this turnover (which may be expressed by its turnover);

— the market share of each parent.

If the *answer is negative*, please justify your answer.

b) If the answer to a) is affirmative and in your view the creation of the joint venture does not lead to coordination between independent undertakings that restricts competition within the meaning of Article 5 para.(3) from the Law, give your reasons.

c) Without prejudice to the answers to a) and b) and in order to ensure that a complete assessment of the case can be made by the competition authority, please explain how the criteria of Article 6 from the Law apply.

**Section 8**

**Statement on own responsibility**

Where notifications are signed by representatives of undertakings/natural persons, such representatives must produce written proof that they are authorized to represent the undertakings/natural persons at issue. Such written authorization must accompany the notification.

The notification must conclude with the following declaration which is to be signed by or on behalf of all the notifying parties:

“This notification contains…pages. The notifying party or parties declare that, to the best of their knowledge and belief, the information given in this notification is true, correct, and complete, that true and complete copies of documents required by this form have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

The party or parties is/are aware of the provisions of art.68 para.(1) let.a) and b) from the Law.

Place and date:

Signaures:

Name and positions:

On behalf of:”

1. The way of filling in the form is provided for in the Guidelines on the filling in the form on notification an economic concentration. [↑](#footnote-ref-2)
2. Turnover of the parties shall include the aggregate turnover of undertakings considered part of its/their group, in the meaning of p. 62 from the Regulation on economic concentrations. For purchase of assets elements, account shall be taken only of the sum related to the assets which make the object of transaction. [↑](#footnote-ref-3)
3. the information from this section may be illustrated by graphics or diagrams in order to show the ownership and control structure of the undertakings. [↑](#footnote-ref-4)
4. if holding securities, specify the register company. [↑](#footnote-ref-5)
5. for filling in the section in question, see p. .9 form the Guidelines on the filling in the form on notification an economic concentration. [↑](#footnote-ref-6)