

DECREE

of the Antimonopoly Office of the Slovak Republic

of 21 May 2009

laying down details of particulars of a notification of concentration

Amendment: 402/2011 Coll.

Pursuant to Article 43 (b) of Act No. 136/2001 Coll. on Protection of Competition and on Amendments and Supplements to Act of the Slovak National Council No. 347/1990 Coll. on Organization of Ministries and Other Central Bodies of State Administration of the Slovak Republic as amended in the wording of the Act No. 465/2002 Coll. and the Act No. 204/2004 Coll. (hereafter referred to as "the Act"), the Antimonopoly Office of the Slovak Republic stipulates the following:

Article 1

General provisions on particulars of a notification of concentration

- (1) If a notification does not include original documents and materials, a statutory declaration on verity and completeness of submitted copies of originals must be attached to these documents and materials, if this Decree does not stipulates otherwise. A copy of a notification on electronic data medium may to be included to a notification of concentration.
- (2) If a notification of concentration or its enclosures include facts being subject to business secrecy or includes confidential information pursuant to Article 28 of the Act, a person notifying concentration shall submit also separate version of a notification without business secrecy and confidential information, he/she shall mark clearly all parts including facts being subject to business secrecy or being confidential information as "BUSINESS SECRECY" or "CONFIDENTIAL INFORMATION". If more undertakings submit a notification of concentration jointly, they may submit facts representing their business secrecy or confidential information separately in enclosure and refer to them in a notification as to enclosure. All enclosures marked as such must be included in a notification of concentration.
- (3) A notification of concentration including all enclosures shall be submitted in the state language. If an officially verified translation of submitted information and documents into the state language is not submitted to the Office, an undertaking may submit also non-officially verified translation of submitted information and documents into the state language. Notifying person is responsible for completeness and verity of the information and documents.
- (4) A notification of concentration shall include signatures of persons authorized to act on behalf of each undertaking obliged to notify concentration pursuant to Article 10 (11) of the Act with stating the names, surnames and their positions or of a representative authorized by him/her.

(5) To supplement information pursuant to Articles 2 to 12 notifying person may include certain information into enclosures. However, enclosure must not substitute information, which shall be stated in a notification pursuant to Articles 2 to 12.

(6) If particular information is not and may not be known to a notifying person, he/she states this fact, asks in writing to reduce extent of documents pursuant to Article 10 (13) of the Act and explains such request. At the same time he/she shall state the estimate of mentioned information as accurate as possible, sources, from which the estimates arise and, if available, source, where the Office could acquire mentioned information. Notifying person may ask the Office in writing for reducing extent of documents pursuant to the article 10 (13) of the Act also from the reason that some information and documents pursuant to this decree are not necessary for assessment of concentration by the Office. Such request must contain sufficient reasons why this information is not relevant and necessary for assessment of notified concentration.

(7) Statutory declaration, example of which is given in enclosure, shall be also the part of a notification of concentration.

(8) Notifying person provides information and documents in order and divide them pursuant to Articles 2 to 12.

Article 2

Basic Information on Parties to Concentration

(1) Basic information on a party to a concentration, which submits a notification of the concentration pursuant to Article 10 (11) of the Act, shall include the following:

- (a) the trade name or designation and registered office, if an undertaking is legal person, and name, surname, trade name, place of business and permanent residence, if an undertaking is natural person;
- (b) the subject matter of the undertaking's activities in the case of undertakings under special legislation,¹⁾ or description of the undertaking's activities in the case of undertakings under Article 3 (2) of the Act, which are not undertakings under special legislation;¹⁾
- (c) the name, surname, and permanent residence of persons who are its statutory body or members of its statutory body;
- (d) the name, surname, address for delivery of documents, telephone number, fax number, and email address, if available, of the person authorized to represent the party to the concentration for the purpose of proceedings at the Office; if this person is a lawyer, also of another person who will act as a contact person for the purpose of proceedings at the Office, and
- (e) the name, surname, position, address for delivery of documents, telephone number, and email address of the persons authorized to receive documents on behalf of an undertaking, if documents are delivered directly to party to the proceedings.

(2) Basic information on a party to a concentration, which does not notify the concentration pursuant to Article 10 (11) of the Act, shall include information referred to in paragraph

¹⁾ Article 2 (2) of the Commercial Code.

1 (a) to (c) and information on a contact person, if he/she is not statutory body pursuant to paragraph 1 letter c).

- (3) A notification of concentration submitted jointly by the parties to the concentration pursuant to Article 10 (11) of the Act shall contain the name, surname, address for delivery of documents, telephone number, fax number, and email address, if available, of the joint representative for delivery if the parties to the concentration have appointed this representative.
- (4) If a notification of concentration is submitted by a representative of a party to the concentration, this representative shall submit to the Office a written power of attorney granted by the party to the concentration, indicating the extent to which the representative is authorized to act on his/her behalf. In case that a representative is a legal person, apart from written power of attorney he/she shall submit also extract from Companies` Register of this legal person not older than three months and shall state who is authorized to act on behalf of authorizing person.

Article 3

Description of Concentration

A description of concentration shall contain the following information:

- (a) information on the form of the concentration and whether the concentration has arisen:
 1. pursuant to Article 9 (1) (a) of the Act through a merger or amalgamation of two or more separate undertakings;
 2. pursuant to Article 9 (1) (b) of the Act through the acquisition of:
 - 2a. direct control or indirect control;
 - 2b. control by an undertaking or several undertakings;
 - 2c. control over the entire undertaking or part of enterprise of another undertaking or undertakings;
 3. by the establishment of a joint venture pursuant to Article 9 (5) of the Act;
- (b) if the concentration has arisen through the establishment of a joint venture pursuant to Article 9 (5) of the Act:
 1. explanation of whether the joint venture will act as an independent participant in the market, separately from the founders, and perform all functions that are normally performed by companies operating in the same market;
 2. the period for which the joint venture has been established;
 3. information on how the joint venture will ensure access to financial resources, human resources, and raw materials;
 4. description of the management and decision-making system of the joint venture;
- (c) if control over part of enterprise of an undertaking is acquired pursuant to Article 9 (3) of the Act:
 1. which organizational units or which assets represent part of the enterprise pursuant to Article 9 (3) of the Act;

2. whether turnover can be attributed to assets and how;
- (d) description of the method of financing the concentration and related rights and obligations; if the concentration is financed by credit, the information on its creditor and each guarantor of granted credit;
 - (e) information on the ownership structure and the method of exercising control prior the concentration and information on the proposed ownership structure or on assumed ownership structure and the method of exercising control after the completion of the concentration process;
 - (f) if a concentration arises via bid to take over securities, the statutory declaration whether the bid to take over is supported by managing boards, advisory boards of parties to a concentration or by other bodies legally representing a party to a concentration;
 - (g) the proposed date or the expected date of all relevant facts related to the completion of the concentration process;
 - (h) information on any financial assistance pursuant to Article 10 (4) of the Act provided to the individual parties to the concentration or undertakings referred to in Article 4 (1) (a) and (b) for the last three calendar years prior to the establishment of the concentration, as well as information on the character, amount, and the provider of this assistance pursuant to Article 10 (5) of the Act;
 - (i) with respect to each party to the concentration, information on the following:
 - 1. total turnover pursuant to Article 10 (2) of the Act attained in the Slovak Republic for the closed accounting period preceding the establishment of the concentration;
 - 2. total worldwide turnover for the closed accounting period preceding the establishment of the concentration and scheme and method of calculation of these turnovers divided into particular individual turnovers of undertakings referred to in Article 10 (2) of the Act;
 - (j) identification of all competition authorities of other countries, which have been or will be notified of the concentration, and the date of notification of the concentration;
 - (k) explanation of why the concentration does not have a Community dimension.²⁾

Article 4

Information on the Connection Through Assets, Finances and Personnel

- (1) Information on the connection through assets and finances shall contain the following:
 - (a) a list (trade name and registered office) of all undertakings directly or indirectly controlling the parties to the concentration;
 - (b) a list (trade name and registered office) of all undertakings directly or indirectly controlled by the party to the concentration or undertaking referred to in (a);

²⁾ Commission Regulation (EC) No. 139/2004 of 20 January 2004 on the control of concentrations between undertakings (Official Journal of the European Communities L 024, 29/01/2004).

- (c) a list (trade name and registered office) of all other undertakings operating in the affected markets pursuant to Article 5 (1) (a) and (c), in which the party to the concentration or undertaking referred to in (a) or (b) holds, individually or jointly, at least a 10-percent ownership interest in share capital or voting rights, indicating the amount and the holder of this ownership interest;
 - (d) information on whether undertakings referred to in (a) and (b) are controlled jointly or exclusively and the connections based on which they are controlled through assets and personnel;
 - (e) description of the organizational structure of all parties to the concentration, indicating their territorially separated units and organizationally separated units, specifying their independence in decision-making, financial independence, and legal independence.
- (2) Information on the connection through personnel shall contain the following with respect to each party to the concentration and undertaking referred to in paragraph 1 (a) and (b):
- (a) a list of persons (name, surname and residence) who are its statutory body, members of its statutory body, members of the supervisory boards, or members of the management body and, at the same time, the statutory body, members of the statutory body, members of the supervisory board, or members of the management body of another undertaking operating in the affected market pursuant to Article 5 (1) (a) and (b);
 - (b) the positions occupied by persons referred to in (a) in another undertaking and information on this undertaking to the extent specified in Article 2 (1) (a).
- (3) Information referred to in paragraphs 1 and 2 may be submitted at the same time also in the form of organizational schemes and diagrams.

Article 5

Information on Affected Markets

- (1) Information on affected markets shall contain the following:
- (a) definition of the relevant markets that include the Slovak Republic or part thereof from a territorial viewpoint and where:
 - 1. two or more parties to the concentration or undertakings referred to in Article 4 (1) (a) and (b) operate in the same relevant product market and the concentration shall lead to joint market share 15% or more,
 - 2. one or several parties to the concentration or undertakings referred to in Article 4 (1) (a) and (b) operate in the relevant product market representing the supplies market or sales market with respect to the relevant product market, in which any other party to the concentration or undertaking referred to in Article 4 (1) (a) and (b) and any of their individual or joint market shares in any of these markets is 25% or more regardless of whether or not there is a supplier-customer relationship between them;
 - (b) definition of other relevant markets not referred to in (a), which include the Slovak Republic or part thereof from a territorial viewpoint and where at least one of the parties to the concentration or undertakings referred to in Article 4 (1) (a) and (b) operates and its market share exceeds 25%, provided that, at the same time, any

other party to the concentration or undertaking referred to in Article 4 (1) (a) and (b), if

1. its share is 25% or more and at the same time any other party to concentration or undertakings pursuant to the article 4 (1) (a) and (b) regardless the territorial definition of the relevant market, is operating in the same relevant product market,

2. any other party to concentration or undertaking pursuant to the article 4 (1) (a) and (b) regardless the territorial definition of the relevant market, is operating in the same relevant product market being the market of demand or market of sale in relation to this market, if their individual or joint share in any of these markets is 25% or more.

(c) definition of other relevant markets which include the Slovak Republic or part thereof from a territorial viewpoint and where at least one of the parties to the concentration or undertakings referred to in Article 4 (1) (a) and (b) operates, if

1. at the same time any other party to the concentration or undertaking pursuant to the article 4 (1) (a) and (b) regardless the territorial definition of the relevant market is operating in the closely related relevant market, if their individual or joint share in any of these markets is 25% or more; product markets deemed to be closely related if the goods are complementary or are usually purchased by the same group of customers for the same purpose of use.

2. its market share is 25% or more and any other party to the concentration or undertaking pursuant to the article 4 (1) (a) and (b) owns important intellectual property rights for this market.

3. its market share is 25% or more and any other party to the concentration or undertaking pursuant to the article 4 (1) (a) and (b) is potential competitor in this market; party to the concentration or undertaking pursuant to the article 4 (1) (a) and (b) is potential competitor in the market mainly if it plans to entry this market or if it prepared or realized such plans in the course of last two years.

(d) explanation of the definition of the relevant product market pursuant to (a) and (b) with respect to mutual substitutability of goods, especially from the viewpoint of their physical characteristics, technical characteristics, price, and purpose of use;

(e) explanation of the definition of the relevant geographical market pursuant to (a) and (b) with respect to the possibility of separating this territory, which constitutes the relevant geographical market, from other territories with respect to the homogeneity of the competition conditions in that market.

(2) A party to the concentration shall submit, with respect to each affected market pursuant to paragraph 1 (a) and (c), the following information for the past three calendar years:

(a) an estimate of the total size of the market expressed in financial units and units of volume, after adding import and deducting export, indicating the source from which information has been drawn, as well as documents confirming the submitted information, he/she shall divide information separately into imports and exports according to country of origin and destination,

(b) information on sales expressed in financial units and units of volume, as well as an estimate of the individual market shares of each party to the concentration and undertakings referred to in Article 4 (1) (a) and (b);

(c) an estimate of the market shares of individual competitors, indicating the source from which information has been drawn, as well as documents confirming the submitted information;

(d) information on competitors to the extent specified in Article 2 (1) (a);

- (e) information on import expressed in units of volume and financial units, as well as information on the following:
 - 1. shares of the individual parties to the concentration and undertakings referred to in Article 4 (1) (a) and (b) in import;
 - 2. quotas, customs duties, and other barriers to trade and their influence on import;
 - 3. the influence of transportation costs on import, indicating a profitable transport distance;
 - (f) comparison of the price level of goods of each party to the concentration and undertakings referred to in Article 4 (1) (a) and (b) in the Slovak Republic with the price level of these goods in other states and areas where these goods are sold, especially in neighboring countries and the Member States of the European Union;
 - (g) comparison of the price level of goods in the Slovak Republic with the price level in other states and areas where these goods are sold, especially in neighboring countries and the Member States of the European Union.
- (3) With respect to each affected market pursuant to paragraph 1 (a) and (c), a party to the concentration shall submit information on the following:
- (a) the manner in which the parties to the concentration and undertakings referred to in Article 4 (1) (a) and (b) produce and sell goods, especially if they are produced locally and if they are sold via local distribution networks;
 - (b) the character and extent of vertical integration of each party to the concentration compared with its competitors.
- (4) With respect to each affected market pursuant to paragraph 1 (a) and (c), a party to the concentration shall submit the following information:
- (a) a list of five largest independent suppliers of input necessary for the parties to the concentration and undertakings referred to in Article 4 (1) (a) and (b) to produce goods, and the shares of purchases from each supplier; a supplier that is not an undertaking pursuant to Article 4 (1) (a) and (b) shall be deemed an independent supplier;
 - (b) information on suppliers referred to in (a) to the extent specified in Article 2 (1) (a);
 - (c) description of distribution systems and service networks in each affected market, especially a description of the following:
 - 1. distribution systems prevailing in the affected markets, their importance, the extent to which the undertakings referred to in Article 4 (1) (a) and (b) and third parties perform distribution;
 - 2. service networks prevailing in the affected markets, especially services related to repairs and maintenance, their importance, and the extent to which the undertakings referred to in Article 4 (1) (a) and (b) and third parties perform these services;
 - (d) information on the total capacity of the parties to the concentration and undertakings referred to in Article 4 (1) (a) and (b) and its utilization over the past three calendar years.
 - (e) information on the fact, whether parties to a concentration, undertakings referred to in Article 4 (1) (a) and (b) and any competitor have products, which have not been introduced in a market yet, but which are in the highest stage of development, whether they have developed products, which will be probably introduced in a market in the near time period, or whether they plan to increase production or sale capacity, and estimate of their planned sale and market share in next three to five calendar years.

- (5) With respect to each affected market according to paragraph 1 (a) and (c), a party to the concentration shall submit the following information:
- (a) a list of five largest independent customers of the parties to the concentration and undertakings referred to in Article 4 (1) (a) and (b) and shares of these customers in the total sale of goods; a customer that is not an undertaking pursuant to Article 4 (1) (a) and (b) shall be deemed an independent customer;
 - (b) information on customers referred to in (a) to the extent specified in Article 2 (1) (a);
 - (c) description of the structure of demand with respect to each affected market, especially from the viewpoint of:
 - 1. the market phase, namely recovery, expansion, peak, and decline;
 - 2. the estimated growth rate of demand;
 - 3. the importance of customer preferences from the viewpoint of brand loyalty, prior-sale and after-sale services, and product range;
 - 4. importance of goods differentiation from the viewpoint of their characteristics and quality and to what extent goods produced by parties to a concentration and undertakings referred to in Article 4 (1) (a) and (b) are close substitutes;
 - 5. the amount of costs and time losses related to a change of supplier and their impact on the customer's decision on changing the supplier;
 - 6. the degree of concentration of customers;
 - 7. division of customers into groups and description of a typical customer in each group;
 - 8. the importance of exclusive distribution contracts and other types of long-term contracts;
 - 9. the extent to which the state, state authorities, government agencies, state-owned enterprises, state budget funded organizations, subsidized organizations, or other state institutions represent an important source of demand.
- (6) Party to a concentration shall state importance of research and development for ability of an undertaking to compete in the long term in affected market, and explain character of research and development realized by parties to a concentration and he/she shall take into account the following:
- (a) the importance of research and development for the competitiveness of undertakings in the long term and an explanation of the character of research and development carried out by the parties to the concentration;
 - (b) trends and intensity of research and development in general and in the case of the parties to the concentration and undertakings referred to in Article 4 (1) (a) and (b); intensity of research and development shall be defined as the proportion of research and development costs to turnover;
 - (c) orientation of technological development, including development of goods and services, production process, and distribution systems;
 - (d) what significant innovations have been introduced in the market and who has introduced them;
 - (e) the cycle of innovations and where in this cycle the parties to the concentration and undertakings referred to in Article 4 (1) (a) and (b) are present.

Article 6

Information on Possibilities of Entering the Market

Information on possibilities of entering the market shall contain the following:

- (a) whether a significant undertaking has entered the affected markets over the past five calendar years; if so, information on this undertaking to the extent specified in Article 2 (1) (a) and an estimate of its current market share;
- (b) whether there exists an undertaking that is likely to enter the affected market, including an undertaking already operating in another relevant geographical market; if such an undertaking exists, information on this undertaking to the extent specified in Article 2 (1) (a), as well as the reason and the time when it is likely to enter the market;
- (c) the factors influencing entry into each of the affected markets from a product viewpoint and geographical viewpoint, especially:
 - 1. total cost of entry, especially cost of research and development, creation of a distribution network, creation of a network for providing services and maintenance, promotion and advertising, which would have to be incurred if the significant undertaking began to operate in the market, what market share this undertaking would have to attain, and what time period would be needed for attaining this position in the market;
 - 2. legal and regulatory barriers to entry the market, especially the need to obtain various authorizations, and standardization requirements;
 - 3. restrictions consisting of the existence of patents, production-technical and business knowledge and information resulting from creative activities and experience of the undertaking (hereafter referred to as "know-how") and other intellectual property rights, and restrictions arising from the granting of licenses for these rights;
 - 4. the extent to which the party to the concentration and undertakings referred to in Article 4 (1) (a) and (b) are holders, providers, or acquirers of licenses for patents, know-how, or other intellectual property rights;
 - 5. the importance of economies of scale in production and distribution of products in affected markets;
 - 6. description of access to supplies of input.

Article 7

Information on Cooperation Contracts

Information on cooperation contracts, which primarily contain provisions on cooperation in the area of research and development, provisions on granting licenses, provisions on joint production, provisions on cooperation in the area of distribution, provisions on long-term supplies and exchange of information, or provisions on cooperation in the area of specialization, shall contain information on the following:

- (a) the extent to which such contracts exist in the affected markets pursuant to Article 5 (1) (a) and (c);
- (b) the content of contracts referred to in (a) concluded in the affected markets pursuant to Article 5 (1) (a) and (c), to which a party to the concentration or undertaking referred to in Article 4 (1) (a) and (b) is a party.

Article 8

Information on Trade Associations

Information on trade associations shall contain the following:

- (a) a list of associations of natural persons and legal persons pursuant to Article 3 (2) of the Act, which operate on the affected markets pursuant to Article 5 (1) (a) and (c) and perform business activities, and of which the party to the concentration is a member;
- (b) a list of major associations of natural persons and legal persons pursuant to Article 3 (2) of the Act, which perform business activities and of which customers and suppliers of the parties to the concentration are members;
- (c) information on the name, registered office, telephone number, fax number, and email address, if available, of an association referred to in (a).

Article 9

General Market Information

General market information shall contain the following:

- (a) a list of all categories of goods produced and supplied and services provided by each party to the concentration and by undertakings referred to in Article 4 (1) (a) and (b), definition of the territory in which these goods are produced and definition of the territory in which these services are provided, except for goods referred to in Article 5;
- (b) based on (a) the characterization of relevant markets including area of the Slovak Republic, in which parties to a concentration and undertakings referred to in Article 4 (1) (a) and (b) operate; and
- (c) description of concentrations established over the past three calendar years by the parties to the concentration pursuant to Article 4 (1) (a) and (b), especially:
 - 1. when the concentration arose;
 - 2. who was the party to the concentration;
 - 3. which categories of goods and which territories the concentration concerned.

Article 10

Information on Cooperative Effects of a Joint Venture

- (1) If two parties to the concentration or several parties to the concentration or undertakings referred to in Article 4 (1) (a) and (b), which have established a joint venture, continue to operate to a substantial extent in the same relevant market in which the joint venture established by them is operating or in the market representing the sales market, supplies

market, or closely related market with respect to this relevant market, information on cooperative effects of the joint venture shall contain the following:

- (a) with respect to each of these markets, information on the following:
 - 1. turnover of each party to the concentration and undertakings referred to in Article 4 (1) (a) and (b), which have established the joint venture, attained for the closed accounting period preceding the establishment of the concentration;
 - 2. share of activities transferred to the joint venture with respect to turnover referred to in point 1;
 - 3. market shares of the parties to the concentration and undertakings referred to in Article 4 (1) (a) and (b), which have established the joint venture, as of the date of notification of the concentration;
 - (b) explanation of why the establishment of the joint venture leads or does not lead to coordination of competitive behavior of undertakings.
- (2) If two parties to the concentration or several parties to the concentration or undertakings referred to in Article 4 (1) (a) and (b), which have established the joint venture, do not continue to operate to a substantial extent in the same relevant market in which the joint venture established by them is operating or in the market representing the sales market, supplies market, or closely related market with respect to this relevant market, information on cooperative effects of the joint venture shall contain an explanation of their conduct.
- (3) Information on cooperative effects of a joint venture shall always contain an explanation of whether or not coordination of competitive behavior of undertakings pursuant to Article 9 (6) of the Act is contrary to Article 4 (1) of the Act.

Article 11

Reasons for and Effects of Concentration and Their Impact on Competition

The reasons for and effects of a concentration and their impact on competition shall include the following:

- (a) indication of the reasons for the concentration;
- (b) evaluation or calculation of effects of the concentration primarily with respect to cost saving, improvement of the relation between the quality and price, strengthening competitiveness in foreign markets, implementation of innovations, evaluation of the influence of the concentration on employment and investment plans, including the calculation of their actual rate of return;
- (c) analysis of price development of the affected goods before and after the concentration and information on the prerequisites for maintaining the current price level after the concentration;
- (d) detailed evaluation or calculation of effects of the concentration with respect to consumers, suppliers, and customers;

- (e) explanation of whether or not the effects of the concentration can be achieved in a different way;
- (f) explanation of whether the concentration creates barriers to effective competition;
- (g) brief description of further business plans of the parties to the concentration and undertakings referred to in Article 4 (1) (a) and (b).

Article 12

Underlying Documentation

Notification of a concentration shall include underlying documentation including the following:

- (a) all documents concerning the concentration, especially:
 - 1. the original or certified copy of the contract between the undertakings based on which the concentration has arisen or should arise, or any other document based on which the concentration has arisen or should arise; at the request of the party to the concentration that has submitted a notification of the concentration, the Office may allow submitting an uncertified copy;
 - 2. in case of bid to take over, the copy of a bid; in case that it is not available at time of notification, it must be submitted without delay not later than before sending it to shareholders,
 - 3. the articles of association of the parties to the concentration and the articles of partnership of the parties to the concentration;
 - 4. an original extract from the Companies` Register or extract from another register in which the party to the concentration is registered or a certified copy thereof, which must not be older than three months;
 - 5. the trade license of the parties to the concentration;
- (b) the annual reports and financial statements of the parties to the concentration for the accounting period preceding the establishment of the concentration;
- (c) all analyses, reports, studies, overviews, and other documents prepared by any member of directorate or advisory boards or other person performing similar positions or by person to whom such positions have been rendered or who has been entrusted with them, or by general assembly or submitted by this subject for the purpose of appraisal or analysis of the concentration, primarily with respect to the competition conditions, market shares, existing competitors or potential competitors, explanation of the concentration, sales growth potential or the potential for the expansion to other relevant product markets or other relevant geographic markets, with respect to each of these documents, in case it is not included in the document, the date of issuance, name and position of each person, who prepared particular document.

Common, Transitional and Final Provisions

Article 13

If a concentration has arisen according to Article 9 (1) (b) of the Act, the particulars of a notification of the concentration shall not be required with respect to an undertaking associated under Article 4 (1) (a) and (b) with an undertaking or part thereof over which direct or indirect control will be acquired, provided that this undertaking is not subject to the concentration.

Article 14

If a notification of concentration submitted by a party to the concentration prior to the effective date of this Decree is incomplete, previous legislation shall apply.

Article 15

Decree of the Antimonopoly Office of the Slovak Republic No. 268/2004 Coll. laying down details of particulars of a notification of concentration shall be repealed.

Article 16

Entry into Force

This Decree shall enter into force on June 15, 2009.

Decree 402/2011 Coll. shall enter into force on 1 January 2012.

Danica Paroulková, sign manual

Statutory declaration

Person notifying the concentration

represented by

thereby declares that after careful examination the information stated in this notification of the concentration are truthful, correct and complete to the best of my knowledge and belief and that the originals, authentic and complete copies of the documents required in the notification were provided and all estimates are marked as estimates and they are the best estimates of reference facts and all expressed standpoints are serious and definite.

.....
Date

.....
Signature