



Business and Industry Advisory Committee to the **OECD**

Comité Consultatif Economique et Industriel Auprès de l' **OCDE**

Code of Best Practices for Merger Control Procedures

Discussion Points of the Business and Industry Advisory Committee (BIAC) to the OECD For Presentation to OECD CLP WP3

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Points for Discussion

- Jurisdictional Thresholds
 - Effects Doctrine
 - World wide and local turnover/assets
 - Market shares

- Triggering Event
 - Filing deadline requirements, generally:
Letter of intent vs. binding agreements (i.e. the US vs. the EU approach)
 - Public offers

- Language
 - Translations (e.g. of agreements)

- Notification Form:
Minimum amount of information necessary for competitive analysis
 - Description of parties
 - Description of transaction
 - Market information:
Description of affected markets, sales (including geographic areas), competitors,
market shares
 - Information on upstream and downstream markets (including identification of
vertical relationships between the parties)
 - Accompanying documents: Relevant agreements

- Merger Control Proceedings
 - Two-phase approach
 - Co-ordinated discussion on remedies
 - Deadlines

- Procedural safeguards
 - Exchange of confidential information: Model waiver and limited waivers
 - Due process
 - Transparency
 - Non-discrimination
 - Appeal rights to a court of law

- Other
 - Filing fees