

937**REGULATION OF THE COUNCIL OF MINISTERS**

dated 17 July 2007

concerning the notification of the intention of concentration of undertakings

Pursuant to art. 94 item 6 of the act dated 16 February 2007 on competition and consumer protection (Journal of Laws No. 50, item 331 and No. 99, item 660) the following is ordered:

§1.1. This regulation specifies:

- 1) detailed conditions to be met by the notification of intention of concentration of undertakings, including a list of information and documents, hereinafter referred to as the "list", to be included in such a notification;
- 2) amount of fees for requests to initiate antimonopoly proceeding in case of concentration and method of their payment.

2. The list referred to in item 1 point 1 is included in the appendix to the regulation.

§ 2. Each time the regulation refers to:

- 1) act - this shall mean the act dated 16 February 2007 on competition and consumer protection;
- 2) concentration - this shall mean factual conditions referred to in art. 13 item 2 of the act;
- 3) notification - this shall mean the notification of intention of concentration of undertakings;
- 4) notifying undertakings - this shall mean the undertakings directly taking part in the concentration, obligated to make the notification in the meaning of art. 94 item 2 and 3 of the act;
- 5) President of the Office or the Office - this shall mean the President of the Office of Competition and Consumer Protection or the Office of Competition and Consumer Protection.
- 6) KRS – it shall mean the National Court of Registration.

§ 3. The notification constitutes a request to initiate the antimonopoly proceeding on concentration, referred to in art. 49 item 2 of the act.

§ 4. The notifying undertaking presents complete information and documents compliant with the factual conditions according to the list, with reservation of § 5 and 6.

§ 5. 1. The President of the Office may, upon request of the notifying undertaking included in the notification, consider it as meeting the requirements specified in § 4, despite a lack of information or documents included in the list, if at the same time:

- 1) the notifying undertaking does not have access to the whole or part of the information or documents;
- 2) the activities undertaken by him did not give any results;
- 3) this undertaking demonstrated the due diligence in undertaking activities aimed to obtain this information or documents.

2. In the cases referred to in item 1, the notifying undertaking must provide the estimate data and indicate the sources and grounds of estimates made. If during the proceeding the undertaking receives such information or documents referred to in item 1, it shall immediately provide them to the President of the Office.

3. The notifying undertaking may not make reference to unavailability of information or documents relating to the capital group it belongs to.

§ 6. 1. The President of the Office may, upon request of the notifying undertaking included in the notification, consider it as meeting the requirements specified in § 4, despite a lack of information or documents included in the list, if the notifying undertaking renders it plausible that this information or documents are not objectively necessary for the issuance of the decision concerning the notified intention of concentration.

2. The provision of item 1 does not apply to the notification of intention of concentration which refers to undertakings which are competitors in the meaning of art. 4 point 11 of the act.

3. Acknowledgment of the notification referred to in item 1 as meeting the requirements specified in § 4 does not free the notifying undertaking from obligation to present, upon demand of the President of the Office, information or documents, if in the course of the proceeding they become necessary to issue the decision concerning the intention of concentration that has been notified.

§ 7. The documents included in the notification must meet the requirements specified in art. 51 of the act.

§ 8. 1. Financial sums included in the list are in PLN thousands.

2. Recalculations in PLN of values initially expressed in EUR or other foreign currencies must be made according to rules specified in art. 5 of the act.

§ 9. The notifying undertaking who considers the information presented in the notification to be the

business secret in the meaning of the regulations on combating unfair competition must indicate in the notification which information is the business secret, or in case of notification of the intention of concentration made by more than one undertaking, present with the notification a request referred to in art. 69 item 4 of the act.

§ 10. The requests to initiate antimonopoly proceedings in cases of concentration before the President of the Office of Competition and Consumer Protection are subject to a fee amounting to PLN 5,000 per notification of intention of concentration of undertakings, payable by the notifying undertaking.

§ 11. The fee referred to in § 10 is payable by the undertaking obligated to pay it in cash at the cash desk or to the bank account of the tax office specific for the place of office of the undertaking.

§ 12. The undertaking filing a request to initiate the antimonopoly proceeding on concentration attaches to

the request a proof of payment referred to in § 10.

§ 13. The regulation of the Council of Ministers dated 3 April 2002 concerning the notification of intention of concentration of undertakings (Journal of Laws No. 37, item 334) becomes ineffective.

§ 14. The regulation comes into force 14 days from the day of publication.¹⁾

President of the Council of Ministers: *J. Kaczyński*

¹⁾ The present regulation, in its scope relating to the amount of fee from requests to initiate antimonopoly proceeding and the method of its payment was preceded by the Regulation of the President of the Council of Ministers dated 12 April 2001 on the amount of fees from requests to initiate antimonopoly proceeding and the method of its payment (Journal of Laws No. 34, item 404), which becomes ineffective as of the effective date of the present regulation.

Attachment to the Regulation of the Council of Ministers dated 17 July 2007 (item 937).

LIST OF INFORMATION AND DOCUMENTS WHICH SHOULD BE INCLUDED IN THE NOTIFICATION OF THE INTENTION OF CONCENTRATION OF UNDERTAKINGS

Introduction (general explanations)

1. The present List of Information and Documents (LID) is a sample application form. The LID must be prepared in accordance with the numbering of chapters and points. If a point does not apply to a given undertaking or market, please enter "not applicable". The documents included in LID or made available on one's own initiative must be submitted as attachments. They constitute the integral part of the LID. Any information or documents which constitute a part of this LID should be additionally submitted in an electronic form (diskette, CD-ROM, DVD or sent by e-mail to the e-mail address of the specific department of the Head Office or specific Branch office of the Office).

2. If the undertaking taking part in the concentration is a natural person referred to in art. 4 point 1 letter c of the act, the box relating to information about the name (point 1.1.1 or point 1.3.1) should indicate the person's first and last name. Other identification details must be provided when they apply to this form of undertaking.

3. If the undertaking taking part in the concentration is a local government unit, the box relating to information about the name (point 1.1.1 or point 1.3.1) should indicate its name and territorial scope. Other identification details must be provided when they apply to this form of undertaking.

4. If the undertaking taking part in the concentration is an undertaking not operating on the basis of the Polish law (foreign entity), the box relating to information about the name (point 1.1.1 or point 1.3.1) should indicate also the name and address, possibly the e-mail of entities related with it personally, by capital and organisationally, as well as branches and representative offices operating in the territory of the Republic of Poland. If the undertaking taking part in the concentration is an undertaking not operating on the basis of the Polish law (foreign entity), the identification details and documents should specify the registration number (point 1.1.2 and 1.3.2) as well as an excerpt from KRS or other register (point 6.1.) should be attached, if such register exists.

5. If the undertaking taking part in the concentration is a financial institution, the information about sales (point 8.2) and structure of supply (point 9.1.) should be filled in using the measures specific for the services it provides.

PART I

Information and documents identifying the undertakings participating in concentration and describing the intended concentration

Chapter I

Basic information about undertakings directly taking part in concentration

1.1. Details identifying the notifying undertakings

For each of notifying undertakings, please provide:

- 1.1.1. name (company name) and address of registered office (and e-mail address, if any),
- 1.1.2. identification number (for Polish undertakings, NIP or REGON),
- 1.1.3. legal form (joint-stock company, limited liability company, other commercial company, undertaking operating as partner in a partnership, state-owned company, cooperative, other),
- 1.1.4. object of actual activity - according to the applicable classifications,
- 1.1.5. persons filling the functions of management body members (first and last name, functions, addresses and e-mail addresses, if any, if different than in point 1.1.1, phone and fax numbers),
- 1.1.6. first and last names of proxies, if appointed (their postal or e-mail addresses, phone and fax numbers),
- 1.1.7. first and last name of the person authorised to contacts with the Office (if different than in point 1.1.6 and if the proxies are not appointed, if different than in point 1.1.5, his/her postal and e-mail address, phone and fax numbers).

1.2. In case of joint notification, in which a joint proxy is appointed, please provide his/her first and last name, address and e-mail address if any, and the first and last name and address and e-mail address of the person authorised to contacts with the Office, if different than the proxy.

1.3. Identification details of other undertakings directly taking part in concentration

For each of other undertakings directly taking part in the concentration, please provide:

- 1.3.1. name (company name) and address of registered office (and e-mail address, if any),
- 1.3.2. identification number (for Polish undertakings, NIP or REGON),
- 1.3.3. legal form (joint-stock company, limited liability company, other commercial company, undertaking operating as partner in a partnership, state-owned company, cooperative, other),
- 1.3.4. object of actual activity - according to the

applicable classifications,

- 1.3.5. persons filling the functions of management body members (first and last name, functions, addresses and e-mail addresses, if any, if different than in point 1.3.1, phone and fax numbers),
- 1.3.6. first and last name of the person authorised to contacts with the Office (if different than in point 1.3.5 - his/her postal and e-mail address, phone and fax numbers).

Chapter II

Detailed description of the intended concentration

Please provide a detailed description of the intended concentration:

- 2.1. Please indicate the form of concentration (merger, taking over of control, creation of a joint undertaking) and provide its short characteristics, and in particular:
- 2.1.1. In case the concentration is to take place as a result of merger of two or more undertakings, referred to in art. 13 item 2 point 1 of the act, please specify its form in the light of provisions of the Commercial Companies Code relating to company merger or other provisions.
- 2.1.2. In case the concentration is to take place in form of taking over control referred to in art. 13 item 2 point 2 of the act - please provide:
- 2.1.2.1. whether the control is taken over by one or more undertakings,
- 2.1.2.2. whether the undertaking takes over, as part of a single transaction, control over one or a larger number of undertakings,
- 2.1.2.3. whether the concentration is related to purchase or take over of stock admitted for public trading
- in what form such concentration will result in taking the control over.
- 2.1.3. In case the concentration is to take place in form of establishing a joint undertaking referred to in art. 13 item 2 point 3 of the act - please provide:
- 2.1.3.1. the name (company name) and address of the undertaking established,
- 2.1.3.2. indicate the scope of its intended activity,
- 2.1.3.3. specify in which consists the concentration nature of the operation.
- 2.1.4. In case the concentration is to take place in form of purchasing by one undertaking a part of assets of another undertaking (whole or a part of the company) referred to in art. 13 item 2 point 3 of the act - please provide:
- 2.1.4.1. whether the whole or a part of the undertaking is subject to

concentration,

- 2.1.4.2. in which consists the concentration nature of the operation.

2.2. In addition:

- 2.2.1. please provide the characteristics:
- 2.2.1.1. of the reason for concentration,
- 2.2.1.2. its economic objectives,
- 2.2.1.3. financing method,
- 2.2.1.4. expected consequences of concentration for its participants, competition and consumers,
- 2.2.1.5. description of the impact of the concentration to the relevant market, production costs, product prices and market effect of scale,
- 2.2.2. please provide whether the offer to purchase stock admitted to public trading, which the notifying undertaking intends to make, is backed up by the management of the company whose stock is to be purchased,
- 2.2.3. please provide the planned schedule of concentration,
- 2.2.4. please indicate the planned structure of ownership and control after concentration,
- 2.2.5. please indicate types and amount of public aid related to the notified concentration.

Chapter III

Turnover of undertakings participating in the concentration

- 3.1. Please demonstrate that the combined turnover of the undertakings participating in the concentration, in the year preceding the year of notification, exceeds the values specified in art. 13 item 1 of the act and that the notification exclusion provided for in art. 14 point 1 of the act does not apply to the intended concentration.
- When calculating the turnover for the purposes of the act, please take into consideration the rules specified in art. 16 of the act and the regulation issued on the basis of art. 17 of the act.
- 3.2. Please demonstrate that the turnover of undertakings participating in the concentration does not exceed the values specified in art. 1 of the Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (taking into consideration the principles of calculating the turnover it provides for).
- 3.3. When providing the above information, please also indicate the turnover obtained individually by each of the concentration participants.

Chapter IV

Information about ownership and control

within the capital group

For each of undertakings directly participating in the concentration, please provide a statement of all the undertakings belonging to its capital group in the meaning of art. 4 point 14 of the act (with isolation of undertakings which realise the turnover in Poland) and indicate the formal and practical grounds of the direct or indirect control it has over other undertakings or what is the control over it, with presentation of the characteristics of the capital groups.

Information required in this chapter should be presented in a descriptive form and in form of diagrams, graphic charts or tables.

Chapter V

Information about earlier concentrations

For each of undertakings directly participating in the concentration and for each of undertakings listed in the statement referred to in chapter IV, please provide a list and short characteristics of concentrations made within the last two years by undertakings belonging to the capital groups identified in chapter IV.

In each case, please indicate whether the concentration was subject to the obligation of notification and if yes, please indicate whether, when and to which body it was notified.

Chapter VI

Documents confirming the information included in chapters I - V

The notifying undertakings must attach to this list:

- 6.1. Current excerpt from the National Court Register or other register.
- 6.2. Copies of final or the most up-to-date versions of contracts or documents identifying the activities on the basis of which the concentration is to be made.
- 6.3. In case of company merger - copies of the merger plan, referred to in art. 499 and 518 of the act dated 15 September 2000 - Commercial Companies Code.
- 6.4. In case of public offer of take over - issue prospectus or a copy of the offer in the meaning of the act dated 29 July 2005 on trading in financial instruments.
- 6.5. Copies of annual approved financial statements of undertakings participating in the concentration from the last two preceding years (in particular the balance sheet, profit and loss account, cash flow report, statement of changes in share capital).
- 6.6. The undertakings which have consolidated financial reports meet the above conditions by attaching the approved consolidated report to the request.
- 6.7. In case of notifying the intention of concentration in a period which makes it impossible to present the financial report for the last financial year, the undertaking must present reliable estimates in scope of financial results for this year, indicating the reasons for not submitting complete documentation in this

scope. The missing financial report must be immediately provided to the Office in case it is elaborated and approved by the authorised body of the undertaking.

- 6.8. Copies of analyses, reports, studies and research prepared for the members or for the meetings of the board, supervisory board or general or ordinary shareholders' meeting in order to assess or analyse the concentration in scope of competition conditions, present and potential competitors, as well as conditions on the market.
- 6.9. A list of publicly available sources of information about the markets to be impacted by the intended concentration, in particular sector periodicals, statistics and analyses made available (also for a fee) to third persons, websites containing information useful to assess the notified intention of concentration.

PART II

Information on relevant markets impacted by the concentration

Chapter VII

Relevant markets impacted by the concentration

- 7.1. Identification of relevant product and geographic markets

Please provide in this scope:

- 7.1.1. relevant product markets on which the undertaking taking part in the concentration operate:

- 7.1.1.1 for which the relevant geographic market includes the territory of Poland or its part,

- 7.1.1.2 for which the relevant geographic market is the market other than specified in point 7.1.1.1.

Please provide these markets, indicating at least the name of the goods (in the meaning of art. 4 point 7 of the act), their designation according to the applicable classification and the area which according to the notifying undertaking is the relevant geographic market; identification of relevant markets maybe made in form of a table.

- 7.1.2. Pursuant to provisions of art. 4 point 9 of the act:

- 7.1.2.1. the relevant product market covers the goods which due to their purpose, price and properties, including the quality, are considered by their buyers as substitutes,

- 7.1.2.2. the relevant geographic market covers the area of goods offering, in which - due to their type and properties, existence of barriers of entry, consumer preferences, significant differences of prices and costs of

transport - there are similar competition conditions.

7.2. Identification of relevant markets impacted by the concentration

Please indicate:

- 7.2.1. all the relevant markets impacted by the concentration in the horizontal configuration. The relevant market impacted by the horizontal concentration is every product market, on which at least two undertakings taking part in the concentration are involved (common markets) and where the concentration leads to obtaining a joint share in the geographic market in the amount of more than 20%,
- 7.2.2. all the relevant markets impacted by the vertical concentration. The relevant market impacted by the vertical concentration is every product market, if at the same time:
- 7.2.2.1. at least one of the undertakings taking part in the concentration operates,
- 7.2.2.2. it is simultaneously the market of purchase or sale (previous or next trade level) on which any of the other undertakings participating in the concentration operate,
- 7.2.2.3. the market share of the undertakings participating in the concentration on those markets exceeds 30%, regardless on whether there is presently the supplier-recipient type relation between those two undertakings.

Chapter VIII

Basic information about the relevant markets impacted by the horizontal or vertical concentration

The information below must be presented separately for each of the relevant product markets impacted by the horizontal or vertical concentration, separately for each of the two last or preceding years and separately for the Polish market - domestic or local - and for the market wider than the Polish market, if the relevant geographic market is not the Polish market (domestic or local).

8.1. The size of market, and please provide:

- 8.1.1. the estimate size of market expressed in value and quantity (in natural units),
- 8.1.2. indicate the grounds and the sources of data on the basis of which estimates were made and, if possible, attach documents confirming those estimates,
- 8.1.3. provide the estimate amount of production capabilities which may be directed to this market, in the response to an increase of prices significant for producers.

8.2. The size of sales and share in the market of

undertakings participating in the concentration, and please provide:

- 8.2.1. the size of sales (expressed in value and quantity) of each of the undertakings participating in the concentration as well as the estimate percent shares in the market of each of the undertakings participating in the concentration,
- 8.2.2. indicate the grounds and the sources of data on the basis of which estimates were calculated and, if possible, attach documents confirming those calculations or estimates.
- 8.3. The importance of foreign trade, and please provide:
- 8.3.1. the estimate total value and number and directions of import to Poland,
- 8.3.2. specify the share of import of the capital groups to which the undertakings participating the concentration belong in the total import to Poland,
- 8.3.3. estimate the degree in which any quota barriers, tariff barriers and other trade barriers as well as the transport costs impact this import,
- 8.3.4. indicate the grounds and the sources of data on the basis of which estimates were made and, if possible, attach documents confirming those estimates.
- 8.4. Main competitors, and please provide:
- 8.4.1. the estimate share in the market expressed in value (and if possible, in quantity) and in percentage for all the competitors (including the importers) who have at least 10% share in the relevant geographic market.
- 8.4.2. indicate the grounds and the sources of data on the basis of which estimates were made and, if possible, attach documents confirming those estimates.
- 8.5. Main recipients and suppliers, and please provide:
- 8.5.1. main recipients (at least three), who are not members of the capital group, to which the undertaking participating in the concentration belongs, and the estimate percent share of their purchases in the total value of sales of undertakings participating in the concentration,
- 8.5.2. three main suppliers, who are not members of the capital group, to which the undertaking participating in the concentration belongs, and the estimate percent share of their supplies in the total value of sales of undertakings participating in the concentration,
- 8.5.3. indicate the grounds and the sources of data on the basis of which estimates were made and, if possible, attach documents on which those estimates base.

Chapter IX

Detailed characteristics of the relevant markets impacted by the horizontal or vertical concentration

Separately for each of the relevant markets impacted by the horizontal or vertical concentration, please:

9.1. Specify the structure of supply:

9.1.1. Describe distribution channels and service networks on those markets, in particular:

9.1.1.1. present the distribution systems existing on the market and their importance and specify the scope in which the distribution is carried out by independent undertakings or undertakings belonging to the same capital group to which undertakings participating in the concentration belong,

9.1.1.2. present the service networks (e.g. maintenance and repairs) existing on the market and their importance and specify the scope in which the services are carried out by independent undertakings or undertakings belonging to the same capital group to which undertakings participating in the concentration belong,

9.1.2. Estimate the value of total production capacities for the last two years preceding the concentration and specify what part of those production capacities is assigned to each of the undertakings participating in the concentration and the size of indexes of their utilisation by each of them; present materials or indicate the sources on the basis of which the amounts of estimated production capacities on those markets were assessed.

9.1.3. Provide all other factors characterising the supply structure on the markets impacted by the concentration and which the notifying undertakings consider important.

9.2. Specify the structure of demand:

9.2.1. Present the structure and dynamics of supply, indicating:

9.2.1.1. the market growth stages, e.g. initial stage, development stage, fully formed stage and dwindling stage and the estimate growth of demand,

9.2.1.2. meaning and changes in the preferences of recipients in the scope of product brands (including the level of brand loyalty), their differentiation and supply of full assortment of products,

9.2.1.3. level of concentration or scattering of recipients,

9.2.1.4. division of recipients to various groups with the description of the "typical recipient" in each of the groups,

9.2.1.5. importance of exclusive distribution contracts and other types of long-term contracts,

9.2.1.6. the level at which the demand is created by the public administration bodies, government agencies, State-owned enterprises and other similar entities.

9.2.2. Provide all other factors characterizing the structure

of demand, which the notifying undertakings consider important.

9.3. Entry on and exit from the market

9.3.1. Please provide if - according to the best knowledge of the notifying undertakings - within the last five years, there were some significant entries on any of the relevant markets impacted by the concentration, and what were the estimate market shares of those undertakings in that period.

9.3.2. Provide whether according to the assessment of notifying undertakings, there are undertakings (including those which currently operate outside Poland) that could enter the market.

9.3.3. Please describe different existing factors which may impact the entry on the markets impacted by the concentration, analyzing the possibilities of entry on those markets from a geographic and product point of view, in particular:

9.3.3.1. the estimate cost of entry on the market (research and development, creation of distribution systems, promotions, advertising, service, etc.) calculated by comparison to the costs of operation of a significant competitor, with specification of the market share of this competitor, present materials or indicate sources on the basis of which the amount of total cost of entry on the market and cost of operation of the significant competitor was calculated,

9.3.3.2. all the legal barriers of entry, such as licenses, permits, or any standards,

9.3.3.3. all the limitations resulting from patents, know-how or other exclusive rights in the scope of intellectual and industrial property on those markets and all the limitations in obtaining licences for those rights,

9.3.3.4. scope in which each of the undertakings participating in the concentration is the licensor or licensee of patents, know-how and other exclusive rights on relevant markets,

9.3.3.5. importance of the economy of scale for the production of products on the markets impacted by the concentration,

9.3.3.6. access to supply sources, including for instance availability of raw materials.

9.3.4. Also you may provide all other factors characterising the entry on the market, exit from the market or illustrating the attractiveness of operation on relevant markets impacted by the concentration and which the notifying undertakings consider important.

9.4. Research and development

9.4.1. Please assess the importance of research and development for the ability to compete of the companies operating on the relevant markets in the long term.

9.4.2. Please present the types of research and development on relevant markets impacted by the concentration, carried out by the undertakings

participating in the concentration.

9.4.3. In particular, please focus on:

9.4.3.1. directions and intensity of research and development carried out on those markets, including by the undertakings participating in the concentration,

9.4.3.2. course of the technological development on those markets in the appropriately long period (including development of products or services, production processes, distribution systems, etc.),

9.4.3.3. significant innovations launched on those markets and the undertakings which launched them,

9.4.3.4. innovation cycle on those markets and indication in which stage of this cycle the undertakings participating in the concentration are.

9.5. Cooperation arrangements

9.5.1. Please provide the level in which the cooperation contracts (horizontal or vertical) exist on the markets impacted by the concentration.

9.5.2. Please provide information on the most important cooperation arrangements concluded by the undertakings participating in the concentration, concerning the markets impacted by the concentration, such as research and development contracts, licence contracts, joint production agreements, specialisation agreements, distribution agreements, long-term supply agreements and information exchange agreements.

9.6. Membership in associations of entrepreneurs

9.6.1. Please specify the associations of entrepreneurs operating in the Republic of Poland, of which the undertakings participating in the concentration are members.

Chapter X

Other information on markets and effects of concentration

10.1. Information on relevant markets impacted by the conglomerate concentration.

10.1.1. Please provide all the relevant markets impacted by the conglomerate concentration.

The relevant market impacted by the conglomerate concentration is every product market, on which between the undertakings taking part in the concentration there are no horizontal or vertical relations, but at least one of the undertakings participating in the concentration has more than 40 % share in any relevant market.

10.1.2. For each relevant market impacted by the conglomerate concentration, please provide the estimate value of the market and the market shares in the year preceding for each of the capital groups, to which the undertakings participating in the concentration belong, separately for the Polish market - domestic or local - and for the market wider than the Polish market, if the relevant geographic market is not the Polish market (domestic or local).

10.2. Information about the global context of the intended concentration

10.2.1. The notification may also include a description of the intended concentration in the global context, characterising among others the position of undertakings participating in the concentration at a scale exceeding the markets related to the markets impacted by the horizontal, vertical or conglomerate concentration.

10.2.2. Please specify:

10.2.2.1. whether the intention of concentration is subject to notification at another national or international competition protection authority,

10.2.2.2. names of authorities and dates of notifications, if they were already made,

10.2.2.3. dates and sentences of positions of those authorities, if they have been already issued.

10.3.1. Information on positive effects of concentration, balancing its negative effects for the competition, the existence of which will allow to make the decision referred to in art. 19 item 2 of the act.

10.3.2. The notification may also conclude, with the justification, that the intended concentration:

10.3.2.1. will contribute to the economic growth or technical progress,

10.3.2.2. will have a positive effect on the national economy,

10.3.2.3. will have other positive effects.

(place and date of LID elaboration)

(stamp and signature of the person representing the managing body or the proxy of the notifying undertaking(s))

Chapter XI

Explanations

11. Each time the list refers to:

11.1. undertakings participating in the concentration, this shall mean;

11.1.1. undertakings directly participating in the concentration, including:

11.1.1.1. jointly the merging undertakings - in the case referred to in art. 13 item 2 point 1 of the act,

11.1.1.2. undertaking taking the control over - in the case referred to in art. 13 item 2 point 2 of the act,

11.1.1.3. jointly all the undertakings participating in establishment of a joint undertaking - in the case referred to in art. 13 item 2 point 3 of the act,

11.1.1.4. undertaking purchasing a part of the assets of another undertaking - in the case referred to in art. 13 item 2 point 4 of the act,

11.1.2. other undertakings belonging to capital groups, in the meaning of art. 4 point 14 of the act, to which the undertakings directly participating in the concentration belong,

11.2. financial institutions - this shall mean in particular banks, insurance companies, national investment funds, investment funds companies or trust funds companies, pension companies and brokerage houses;

11.3. turnover - this shall mean the turnover calculated according to the provisions of art. 16 of the act and regulation issued on the basis of art. 17 of the act;

11.4. preceding year - this shall mean the financial year preceding the year of notification of the intention of concentration.