

Applying for Merger Guidance

What is an application for merger guidance?

Application for merger guidance is an application made under section 47 of the Competition Act 2007, by one or more parties to a merger situation for the Competition Commission's guidance as to whether the merger will, if carried into effect, likely to result in a substantial lessening of competition within any market for good or services in Mauritius.

The Competition Act 2007 empowers the Competition Commission to review merger situations and where they affect competition, the Competition Commission may impose remedies on the enterprises concerned.

How to apply for merger guidance?

Any party to a prospective merger may apply for the guidance (notify) of the Competition Commission on the competitive effects of the merger.

Application for the merger guidance of Competition Commission is free.

To apply for guidance, an application must be submitted to the Competition Commission, together with information pertaining to the transaction as per 'Form 1', which is available on the website of the Competition Commission.

In certain circumstances, the Competition Commission may accept a shorter form of notification. This will basically entail providing less information to the Competition Commission than what is required in normal circumstances.

Potential applicants can engage with the Competition Commission before filing the formal notification for assistance – this is known as pre-notification consultation.

Where a party applies for the Guidance of the Competition Commission, it will be provided with a first response within 30 days as to whether the transaction is likely to result in substantial lessening competition or not.

The Competition Commission has issued a guidance note on application for merger guidance which is accessible on its website and which provides detailed information on application for merger guidance.

To whom should the application for merger guidance be submitted?

The Executive Director
Competition Commission
10th Floor, Hennessy Court
Pope Hennessy St
Port Louis

Email: info@competitioncommission.mu



Benefits of applying for merger Guidance

Obtaining the guidance of the Competition Commission on a particular transaction, allows parties to benefit from legal certainty. They avoid the cost of post-merger remedies and reputational damages in the case of investigation by the Competition Commission. They can take informed customise the transaction in compliance with the law.

To Apply for Merger Guidance:

T: 2112005

Try our 'CORE Training':

www.competitioncommission.mu

These materials do not constitute legal advice and should not be relied upon as such.