



MERGER CLEARANCE FORM

This form provides a framework for supplying to the Fair Trading Commission the information required under Section 20 of the Fair Competition Act 2002-19. This form should be completed separately for each party to the proposed transaction. It is preferable that the parties submit their respective completed forms simultaneously, although they may be submitted separately. This form should only be completed after, or in conjunction with, merger Form A.

Please note that the Commission will only communicate on this matter with authorised individuals.

Applications must be submitted in typed form on A4 paper. Any material that is considered properly confidential must be clearly marked and should be included in an annexure to the main submission.

Please provide the requested information for sections 1 and 3 on the form. Information for sections 2 and 4 should be contained in appendices identified by the corresponding section number used in the form.

1. GENERAL INFORMATION

The party supplying this information is

the acquiring party the acquired party other party to the proposed transaction

Name of the party to the transaction for which this information is supplied

Address of Head Office and Principal Offices of the party

Website Address

E-mail Address	Telephone Number	Fax Number
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Payment of Prescribed Fee <input type="checkbox"/> Included in full <input type="checkbox"/> Will be made in full by another party to the transaction <input type="checkbox"/> Partly included, remaining payment to be remitted by another party to the transaction <input type="checkbox"/> Not included but will be remitted by the notifier <input type="checkbox"/> Cheque <input type="checkbox"/> Wire Transfer Date expected: _____	Official Receipt for Fee Payment should be issued to:
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Name of Authorised Individual	Other individual who may be contacted
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Title	Title
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Telephone Number	Fax Number	Telephone Number	Fax Number
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Address	Address
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General instructions for making a submission:

- Submissions must relate to the reason/s why the merger should be permitted. For a merger to be permitted the applicant only needs to satisfy one of the three tests described in section 2 below.
- The onus is on the parties to provide all relevant information. Wherever possible parties should fully substantiate their submissions with detailed evidence.
- If parties have already provided the Commission with some of the relevant information in merger Form A, they should refer to this information in the submission.
- Parties should include any additional information they believe to be relevant that is not specifically requested in the questions below.
- The Commission’s Merger Guideline publication is designed to provide assistance to firms in preparing a submission and copies of the Merger Guideline can be obtained from the Commission.

2. REASONS WHY MERGER SHOULD BE PERMITTED BY THE COMMISSION

Please indicate the number of pages contained in each appendix in the appropriate column beside each section of this form.		No of pages
2.1	<p>The merger will not affect competition adversely or be detrimental to consumers or the economy.</p> <p>A submission in this category should include submissions on:</p> <ol style="list-style-type: none"> 1. The structure of the market, including the number and size of participants in the market, barriers to new entry and the extent of vertical integration; 2. The degree of control exercised by the parties to the merger in the relevant markets; 3. The availability of alternatives to the relevant goods or services provided by the parties to the merger, including details of the actual and potential level of import competition; 4. The likely effect of the proposed merger on consumers and the economy; 5. The actual or potential competition from other firms and the likelihood of detriment to competition; <p>and having regard to these factors, the reasons why the merger will not affect competition adversely or be detrimental to consumers or the economy.</p>	
2.2	<p>The merger is likely to bring about gains in real efficiencies as distinct from pecuniary efficiencies that are greater than or more than offset the effects of any limitation on competition that result or are likely to result from the merger.</p> <p>A submission in this category must:</p> <ol style="list-style-type: none"> 1. Identify and attempt to quantify all real efficiencies that are likely to result from the merger; 2. Demonstrate that each relevant efficiency gain is unlikely to be realised by a means that would limit competition to a lesser degree than the merger 3. Identify and attempt to quantify the likely effects of the limitation upon competition that is likely to result from the merger. Particular consideration should be given to: <ul style="list-style-type: none"> • The structure of the market, including the number and size of participants in the market, barriers to new entry and the extent of vertical integration. • The degree of control exercised by the parties to the merger in the relevant markets. • The availability of alternatives to the relevant goods or services provided by the parties to the merger, including details of the actual and potential level of import competition. • The likely effect of the proposed merger on consumers and the economy. • The actual or potential competition from other firms and the likelihood of detriment to competition. 4. Explain why the real efficiencies identified more than offset the effects of the limitation upon competition. 	

