

NON OFFICIAL TRANSLATION

**STATE COMMISSION FOR THE PROTECTION OF ECONOMIC COMPETITION OF
THE REPUBLIC OF ARMENIA**

DECISION

21 January 2008, Yerevan

No. 01-N

**ON PROCEDURE FOR DECLARATION OF CONCENTRATION OF ECONOMIC
OPERATORS AND THE DECLARATION FORM**

Having regard to Article 9(3) and Article 19(1)(g) and 19(1)(h) of the Law of the Republic of Armenia on the Protection of Economic Competition, the State Commission for the Protection of Economic Competition of the Republic of Armenia ***has decided to:***

1. Approve the procedure on declaration of concentration of economic operators (Annex 1) and the declaration form (Annex 2).
2. This Decision shall enter into force on the tenth day following its official publication.

Chairperson

A. Shahnazaryan

**Annex 1
to the Decision No 01-N of 21 January
2008 of the State Commission for the
Protection of Economic Competition of
the Republic of Armenia**

PROCEDURE

FOR DECLARATION OF CONCENTRATION OF ECONOMIC OPERATORS

1. This Procedure lays down the procedure for declaration of concentration of economic operators (hereinafter referred to as “concentration”).
2. Concentration referred to in Article 8(a) of the Law of the Republic of Armenia on the Protection of Economic Competition (hereinafter referred to as the Law) shall take effect upon state registration or listing of the economic operator created as a result of winding up or merger of unified economic operator(s). The parties to the concentration referred to in Article 8(a) shall be economic operators reorganised in the form of merger.
3. Concentration referred to in Article 8(a) of the Law shall be deemed to have been given effect upon conclusion of assets or share acquisition transaction of the economic operator and, where provided for by the law, upon state registration of the rights arising from the transaction. The economic operators that are parties to the assets or share sales (acquisition) transaction shall be the parties to the concentration referred to in Article 8(a).
4. Concentration referred to in Article 8(c) of the Law shall take effect upon forming a union between the parties to the concentration and, where provided for by law, upon registration or listing of such union. The economic operators involved in the union shall be the parties to the concentration referred to in Article 8(a).
5. In the case referred to in Article 9(1) of the Law, the parties to the concentration shall, before the concentration takes effect or participation therein, submit a concentration declaration to the State Commission for the Protection of Economic Competition of the Republic of Armenia (hereinafter referred to as “the Commission”), which shall include the form of concentration and the information on each party defined by Article 9(2) of the Law.
6. Financial statements of the economic operators parties to the concentration and the audit opinions thereon which are attached to the concentration declaration (hereinafter referred to as “the declaration”) shall be drawn up in accordance with the laws and other legal acts governing accounting and audit activity.
7. Parties to the concentration shall submit one declaration for each concentration declaration, which shall be signed by the head of the executive body of each party or his/her valid alternate (if the party to the concentration is a natural person, by the latter) indicating the name, surname, position of the person signing the declaration, the date of signature.

8. The declaration shall be typed or completed in pen (ink).
9. The inclusion of unreliable or false information in the declaration shall result in liability provided for by law. Each party to the concentration shall be responsible for the reliability of the information that he/she indicated or submitted in the declaration (including documents attached thereto).
10. The Commission may require from the party (parties) to the concentration to provide other documents and information necessary for implementation of administrative proceedings opened upon the submission of the declaration.
11. The declaration shall be deemed to be submitted and the administrative proceedings based thereon shall be deemed to be opened on the day of its receipt by the Commission except for cases provided for by law.
12. The Commission shall, within the time period provided for by law, adopt a decision on authorising or prohibiting the concentration.
13. The Commission shall return the submitted declaration in the prescribed manner where it becomes clear that the concentration is not subject to declaration or in other cases provided for by law.
14. The Commission shall adopt a decision on prohibition of concentration subject to declaration, if:
 - 1) the concentration results in monopoly or dominant position except for the cases provided for by the Law;
 - 2) unreliable or false information is provided in the declaration and/or documents attached thereto;
 - 3) concentration subject to declaration contradicts the requirements of the legislation of the Republic of Armenia, including the requirements of the Law and this Procedure.

Annex 2
to the Decision No 01-N of 21 of 21
January 2008 of the State Commission
for the Protection of Economic
Competition of the Republic of
Armenia

FORM

OF DECLARATION OF CONCENTRATION OF ECONOMIC OPERATORS

DECLARATION OF CONCENTRATION

1. Form of concentration: _____
Form of concentration (merger, assets or share acquisition
(with an indication of the percentage))

2. Parties to the concentration:

1) _____
(Name and legal form of the party to the concentration)

(Place of residence (registered office) of the party to the concentration)

(Place of business of the party to the concentration)

2) _____
(Name and legal form of the party to the concentration)

(Place of residence (registered office) of the party to the concentration)

(Place of business of the party to the concentration)

3. Volumes of sales of products by sort during the previous year of 20__ by the parties to the concentration (where information is missing, a line shall be inserted).

1) Sales performed by _____
(Name of the party to the concentration)

a. _____	_____	_____	expressed in AMD
Product name	(Product volumes, in-kind)	(Product volumes, in-value)	

b. _____	_____	_____	expressed in AMD
Product name	(Product volumes, in-kind)	(Product volumes, in-value)	

2) Sales performed by _____

(Name of the party to the concentration)

a. _____ expressed in AMD
Product name (Product volumes, in-kind) (Product volumes, in-value)

b. _____ expressed in AMD
Product name (Product volumes, in-kind) (Product volumes, in-value)

A line shall be inserted instead of the name

4. Description of production capacities of the parties to the concentration (including means belonging to the party with the right of use)

1) _____
(Name of the party to the concentration and description of its production capacities or the following note: "the description of the production capacities is attached to this declaration")

2) _____
(Name of the party to the concentration and description of its production capacities or the following note: "the description of the production capacities is attached to this declaration")

5. The parties to the concentration provide the following additional information on -----
----- (name of the commodity market) commodity market and the activities of the market participants.

1) _____
(Name of the party to the concentration)

(Content of information or the following note "information on the commodity market and market participants is attached to this declaration", and in case of absence of information a line shall be inserted instead of the name of the party to the concentration submitting the information)

2)

(Name of the party to the concentration)

Content of information or the following note "information on the commodity market and market participants is attached to this declaration", and in case of absence of information a line shall be inserted instead of the name of the party to the concentration submitting the information)

6. The following is attached to this declaration:

1) _____
(Name of the document attached to the declaration and number of sheets)

2) _____
(Name of the document attached to the declaration and number of sheets)

7. Particulars and signatures of the heads of executive bodies of the parties to the concentration or valid alternates (if the party to the concentration is a natural person, the particulars and signatures of the latter).

- 1) _____
(Name of the party to the concentration, position, name, surname (if the party to the concentration is a natural person, name, surname of the latter), signature, date of the signature of the head of executive body or his/her valid alternate)
- 2) _____
(Name of the party to the concentration, position, name, surname (if the party to the concentration is a natural person, name, surname of the latter), signature, date of the signature of the head of executive body or his/her valid alternate)