

European Commission
Consultation Jurisdictional Notice
Merger Registry
Rue Joseph II 70
B-1049 Bruxelles
Belgien

28-11-2006
Case 4/0105-0300-0024

/ LD

Ref.



Consultation on Draft Consolidated Jurisdictional Notice

The Danish Competition Authority welcomes the draft consolidated notice on merger jurisdiction matters. Danish merger control is very similar to European merger control, and the DCA will apply the consolidated notice *mutatis mutandis* when assessing jurisdictional issues under national law. Overall, the DCA sees the notice as a very helpful and workable tool in its future case handling.

The DCA has, however, a few comments to the draft notice, including some remarks from the Danish business community:

- A further elaboration of the concept of “common economic management” in point 9 would be helpful.
- It would be greatly appreciated if the Commission would elaborate on both the concept of undertakings concerned and the calculation of turnover in investment funds and similar financial companies (see point 19 and footnote 120).
- In relation to section III/point 84, it would be helpful if the Commission would elaborate on “indirect changes in joint control in joint ventures”. E.g. A and B jointly control JV. A is acquired by C giving C indirect joint control over the JV together with B. Is this a notifiable change in control? If yes, how is the turnover calculated?
- A more elaborated illustration of the calculation of turnover in joint ventures would be greatly appreciated.

Yours sincerely

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