

Ukraine - New Law Increasing Notification Thresholds Published

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On March 18, 2016 the new law increasing notification thresholds (former draft law 2168a) was officially published. **The law is expected to become effective on May 18, 2016.**

The current financial thresholds test has been substituted by the two new alternative ones (either A or B):

Current financial thresholds to be met cumulatively (1+2+3)	Expected financial thresholds since May 18, 2016 to be met cumulatively (A (1+2) or B (1+2))	
	A	B
1. Euro 12 million worldwide in either assets or in revenue for all merging parties; and	1. Euro 30 million worldwide in either assets or in revenue for all merging parties; and	1. Euro 8 million in Ukraine in either assets or in revenue for Target & Seller group or for at least one JV partner group; and
2. Euro 1 million worldwide in either assets or in revenue for each of at least two merging parties; and 3. Euro 1 million in Ukraine in either assets or in revenue for at least one merging party.	2. Euro 4 million in Ukraine in either assets or in revenue for each of at least two merging parties.	2. Euro 150 million worldwide in revenue for at least one other merging party.

In all the cases above the merging party shall mean either purchaser group of companies or target & seller group of companies (JV partner group of companies in case of the JV establishment).

As we have already reported in [our previous post on the subject](#) apart from **increasing and restructuring financial thresholds** the new law:

- eliminates market threshold (35%);
- introduces simplified procedure for transactions lacking effect on competition on Ukrainian markets;
- introduces preliminary consultations with the Antimonopoly Committee of Ukraine before filing and consultations within preview period;
- introduces new official reason for application rejection (failure to disclose UBOs);
- decreases the number of reasons for Phase II launch;
- clarifies remedies negotiation procedure; and
- increases the state fee for application review.