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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)

*1. Euro 12 million worldwide **in either assets or in revenue** for all merging parties; 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.*

Expected financial thresholds since May 18, 2016
to be met cumulatively (A (1+2) **or** B (1+2))

A

*1. Euro 30 million worldwide **in either assets or in revenue** for all merging parties; and*

*2. Euro 4 million in Ukraine **in either assets or in revenue** for each of at least two merging parties.*

B

*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 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.

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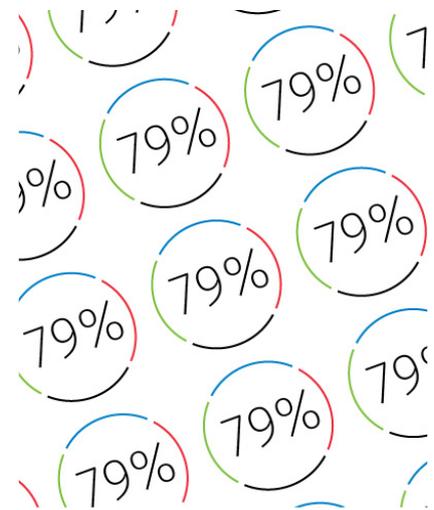
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