**NEGATIVE CLEARANCE/ MERGER REVIEW REGULATION FORM 2**

**INFORMATION REQUIRED** – *Part III, Regulation 10 of the Merger Review Regulations*. This form provides a framework for supplying to the Federal Competition and Consumer Protection Commission, the information required under part XII, Section 92 *of the Federal Competition and Consumer Protection Act*.

This form may be completed jointly by parties to the proposed transaction. The requested information may be provided on the form or in appendices identified by the corresponding section number used in the form and should be bound together.

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| 1. **Contact Details of Authorized Representatives Submitting this Form** | |
| Name |  |
| Company/law firm |  |
| Telephone number |  |
| Email |  |

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| 1. **Merger parties** | |
| Name of parties | **1.** |
| **2.** |
| **3.** |
| **4.** |
| Describe the main products or services supplied by the parties |  |
| Describe the overlapping or vertically related products or services |  |

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| 1. **Reason for the Negative Clearance application** |
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| 1. **Transaction** | |
| *Brief description of the transaction (e.g. acquisition of entire issued share capital, or part of a business)* | |
| Is the transaction anticipated or completed? |  |
| Date of completion or expected date of completion |  |
| Evidence of good faith intention to proceed with the transaction[[1]](#footnote-0) |  |
| Is the transaction conditional on the Commission’s clearance? |  |

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| 1. **Confidentiality** |
| *Information submitted in pre-notification and pre-notification contacts are kept confidential. Nevertheless, please indicate whether the transaction has been publicly announced.*  Publicly announced: Yes/No  Date of announcement:  *Please include a link to the announcement, or a copy of the announcement* |

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| 1. **Expected date of first draft** |
| Date you expect the first draft Merger Notice Form to be submitted to the Commission  *(Please provide a realistic assessment of the submission date. As the Commission will allocate its resources on the basis of the response provided to this question, an accurate estimate is particularly important to enable the Commission to deal with the case as quickly and effectively as possible.)* |

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| 1. **Any other information you would like to submit at this stage** |
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|  | **DECLARATION** |
|  | This Declaration must be signed by a duly authorised person or on behalf of each of the applying parties:  *I declare that, to the best of my knowledge and belief, the information given in response to the questions in this Notice is true, correct, and complete in all material respects.*  *I understand that:*  *It is a criminal offence under section 112 of the Federal Competition and Consumer Protection Act, 2018 for a person knowingly to supply to the Commission information which is false or misleading in any material respect. This includes supplying such information to another person or any officer of the Commission knowing that the information is to be used for the purpose of supplying information to the Commission;*  *The Commission may reject any Notice if it is discovered that it contains information which is false or misleading in any material respect;*  *The Commission conducts both Phase 1 and Phase 2 investigations. In the event that the merger is referred for a Phase 2 investigation, information provided to the Commission during the course of the Phase 1 investigation will also be used for the Phase 2 investigation; and*  *The Commission will bring the merger described in this Notice, and the fact that the Notice has been given, as prescribed by the Act.*   |  | | --- | | *Signed:* | | *Name: (block letters)* | | *Position: (block letters)* | | *Date:* |   In addition to the above Declaration, the Declaration below should also be signed by a duly authorised person or on behalf of each of the notifying parties if the undertakings are appointing legal representatives:  *I confirm that the representative(s) (if any) named in reply to question 1 is/are authorised for the purposes of proceedings related to the arrangements described under question 2 to act on behalf of the merger parties respectively specified in response to question 1 of this Form. I hereby specify the address of the representatives named in reply to question 1 as an address at which [name of applying party] will accept service or take receipt of documents.*   |  | | --- | | *Signed:* | | *Name: (block letters)* | | *Position: (block letters)* | | *Date:* | |

1. [↑](#footnote-ref-0)