



Coimisiún um  
Iomaíocht agus  
Cosaint Tomhaltóirí

Competition and  
Consumer Protection  
Commission

Notice in respect of  
certain terms used in  
Part 3 of the  
Competition Act 2002,  
as amended

31 October 2014

## **Article 1 - Introduction**

1. This Notice is published by the Competition and Consumer Protection Commission (“Commission”) pursuant to the function conferred on it by section 10(1)(e) of the Competition and Consumer Protection Act 2014. Its purpose is to give guidance to business and to legal practitioners concerning certain terms used in Part 3 of the Competition Act 2002, as amended (the “2002 Act”) Act. It is not and does not purport to be an interpretation of the law.

## **Article 2 - “Undertakings involved in the merger or acquisition”**

2. Section 18(1) of the 2002 Act, as substituted by section 55(a) of the 2014 Act, makes provision for the notification of proposed mergers and acquisitions to the Commission. Subject to sub-articles (2) and (3) of this Article, for the purposes section 18(1), the Commission understands the phrases “undertakings involved” and “undertakings involved in the merger or acquisition” to mean the entire group of undertakings to which an undertaking party to a proposed transaction belongs.
3. Notwithstanding the provisions of sub-article (1) of this Article, in the case of the acquisition of part (“the target”) of an undertaking (“the vendor”), the turnover only of the target (whether or not it is constituted as a separate legal entity) shall be taken into account on the vendor’s side of the transaction for the purposes of section 18(1)(a).
4. Notwithstanding the provisions of sub-article (2) of this Article, in the case of an asset acquisition of the kind specified in section 16(1)(c) of the 2002 Act, as substituted by section 53(a)(ii) of the 2014 Act, that part of the turnover of the vendor that is generated from the assets the subject of the transaction shall be taken into account.

## **Article 3 - “Turnover in the State”**

5. Section 18(1)(a)(i) and section 18(1)(a)(ii) of the 2002 Act, as substituted by section 55(a) of the 2014 Act, sets out thresholds in respect of “turnover in the State”. The Commission understands “turnover in the State” to comprise sales made or services supplied to customers within the State.

**For the Competition and Consumer Protection Commission**

**Isolde Goggin**

**Chairperson**

**31 October 2014**