

Welcome to our 1st Antitrust Newsletter!

The COVID-19 pandemic has certainly brought challenges for businesses worldwide. In relation to merger control, some competition authorities have already announced the suspension or delay of merger filing processes.

The Directorate-General for Competition of the EU Commission recently announced that it encourages firms to delay merger notifications originally planned, where possible, in view of the disruptions on the activity of administrations and businesses. In the United States, the Federal Trade Commission strictly restricted its acceptance of premerger notifications to an e-filing system, and the Department of Justice announced that depositions will be rescheduled and that it may take additional time to complete its review of transactions.

For Thailand, the Office of the Trade Competition Commission is still accepting filings as usual and the consideration time period imposed by law is still in force. However, as certain restrictive measures may apply, we strongly encourage companies contemplating mergers to plan ahead and discuss the timing with the OTCC beforehand.

Thailand’s Merger Grid 2020

Merger	Pre-merger filing	Post-merger notification
<p>Amalgamation</p> <p>Acquisition of assets - more than 50% of the total value of assets in the target</p> <p>Acquisition of shares, warrants, or other convertibles - 25% or more of total voting rights in a listed company, or more than 50% of total voting rights in a private company</p>	<p>Any merger which may result in a monopoly or a business operator having dominant market power:</p> <ul style="list-style-type: none"> - 1 business operator having a market share of 50% or more; or - 1 of the top 3 business operators having a market share of 75% or more in aggregate <p>excluding any business operator having a market share of less than 10% or a sales turnover of less than THB 1bn</p>	<p>Any merger where sales turnover of any one business operator or of all business operators conducting a merger in aggregate, amounts to THB 1bn or more</p>



To read more about us, please visit our website at www.weerawongcp.com



For inquiries, please contact wcpantitrust@weerawongcp.com.



Weerawong, Chinnavat & Partners Ltd.

22nd Floor, Mercury Tower, 540 Ploenchit Road, Lumpini, Pathumwan, Bangkok 10330, THAILAND
 Telephone +662 264 8000 | Facsimile +662 657 2222

www.weerawongcp.com