



**Asia-Pacific
Economic Cooperation**

2015/SOM1/EC/026a

Agenda Item: 06

Questions for Merger Control Regulation

Purpose: Information

Submitted by: Papua New Guinea



APEC
PHILIPPINES
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**First Economic Committee Meeting
Clark, Philippines
4-5 February 2015**

Questions for Merger Control Regulation

Please answer the below questions about your economy's merger notification regime and forward to hau@iccc.gov.pg and George.Minton@mfat.govt.nz no later than 30 January 2015.

General

1. Does your economy have a merger control regime?
2. What is the relevant legislation? (Please provide internet link if possible). Who enforces the regulation?

Merger Notification

3. Is merger notification in your regime voluntary or compulsory?
4. Does your regime require that a merger be suspended prior to a decision?
5. At what stage of the merger process does the regulator or enforcement agency need to be notified?
6. Is there a threshold below which notification is not required? What is it?

Fees and Incentives

7. What is the fee (if any) for filing a merger notification?
8. Are there incentives for early notifications?
9. What are the penalties for failing to comply with any aspect of a merger notification requirement?
10. Please briefly describe the general behaviour of market participants in relation to your merger notification regime. Are participants generally aware of its requirements? Do most participants comply fully with these requirements?

Merger Assessment

11. How long does it take for your regulator or enforcement agency to make a decision? Please briefly describe the decision-making process.
12. What criteria are used for assessing a merger situation?
13. When is clearance not needed? Are there some criteria in assessing this?
14. Can remedies or alternatives be negotiated where competition problems arise?

Changes to Merger Control Regime

15. Please describe any significant recent changes to your merger notification regime. How long did the changes take? What process was followed?
16. Please briefly describe the policy reasons for any recent changes described in question 10.

International Jurisdiction

17. Does your merger regime apply to foreign- to- foreign mergers? If so, please briefly describe how and in particular, under what circumstances such a merger may or may not require notification.