

new merger fees and thresholds

1. On 6 March 2009, The Minister of Trade and Industry issued two Notices in the Government Gazette setting out amendments to –
 - 1.1. the fees for filing a merger notice in relation to intermediate and large mergers; and
 - 1.2. the level of monetary thresholds for the categorisation of intermediate and large mergers.
2. The new fees and amended thresholds pursuant to the Notice shall come into operation on 1 April 2009.
3. The new fees for filing a merger notification will be increased from –
 - 3.1. R75 000 to R100 000 for an intermediate merger; or
 - 3.2. R250 000 to R350 000 for a large merger.
4. Until the new Notice becomes effective, the current position is that a transaction is notifiable as an **intermediate** merger if the combination of the asset value and/or turnover value of the acquiring group and the target firm is greater than R200 million and the asset value or turnover value of the target firm alone is greater than R30 million. With the new Notice, the combined value will increase to R560 million and the target firm value will increase to R80 million.
5. In addition, the current position is that a transaction is notifiable as a **large** merger if the combination of the asset value and/or turnover value of the acquiring group and the target firm is greater than R3,5 billion and the asset value or turnover value of the target firm alone is greater than R100 million. With the new Notice, the combined value will increase to R6,6 billion and the target firm value will increase to R190 million.
6. For more information, please do not hesitate to contact the ENS Competition Department on 011 269-7727.