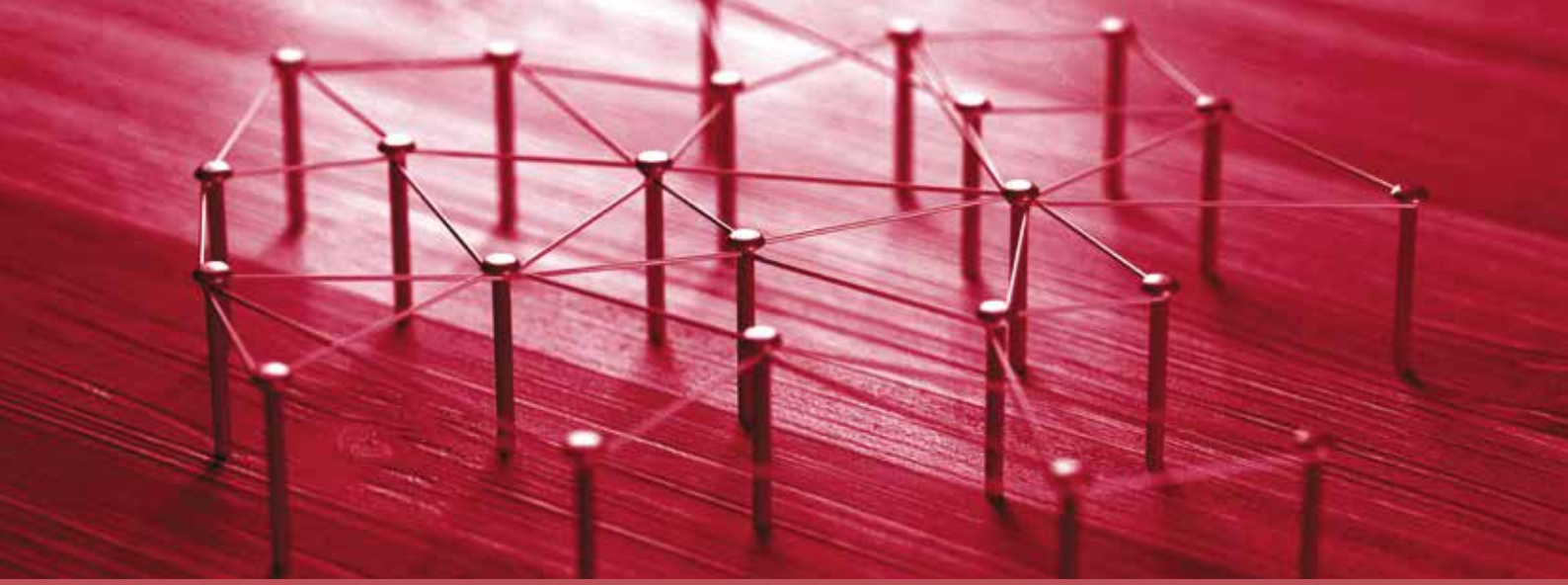

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The International Comparative Legal Guide to:

# Merger Control 2019

**15th Edition**

A practical cross-border insight into merger control issues

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## Country Question and Answer Chapters:



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## Country Question and Answer Chapters:



## EDITORIAL

Welcome to the fifteenth edition of *The International Comparative Legal Guide to: Merger Control*.

This guide provides the international practitioner and in-house counsel with a comprehensive worldwide legal analysis of the laws and regulations of merger control.

It is divided into two main sections:

Four general chapters. These chapters are designed to provide readers with an overview of key issues affecting merger control, particularly from the perspective of a multi-jurisdictional transaction.

Country question and answer chapters. These provide a broad overview of common issues in merger control laws and regulations in 55 jurisdictions.

All chapters are written by leading merger control lawyers and industry specialists, and we are extremely grateful for their excellent contributions.

Special thanks are reserved for the contributing editor, Nigel Parr of Ashurst LLP, for his invaluable assistance.

Global Legal Group hopes that you find this guide practical and interesting.

The *International Comparative Legal Guide* series is also available online at www.iclg.com.

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# Latvia

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## 1 Relevant Authorities and Legislation

### 1.1 Who is/are the relevant merger authority(ies)?

The Competition Council [*Konkurences padome*].

### 1.2 What is the merger legislation?

- The Competition Law [*Konkurences likums*] of 4 October 2001, as last amended on 5 October 2017.
- The Cabinet of Ministers Regulation No 800 on the procedure of filing and examination of full-form and short-form notification of a concentration between market participants [*Kārtība, kādā iesniedz un izskata pilno un saīsināto ziņojumu par tirgus dalībnieku apvienošanos*] of 29 September 2008, as amended on 24 September 2013.
- The Cabinet of Ministers Regulation No 362 on the state fee for the evaluation of a concentration [*Noteikumi par valsts nodevu par apvienošanās izvērtēšanu*] of 14 July 2016.
- The Competition Council's guidelines for the drafting of notifications of concentration between market participants [*Ziņojumu par tirgus dalībnieku apvienošanos sastādīšanas vadlīnijas*] of 2016.

### 1.3 Is there any other relevant legislation for foreign mergers?

No, there is not.

### 1.4 Is there any other relevant legislation for mergers in particular sectors?

National Security Law [*Nacionālās drošības likums*] of 14 December 2000, as last amended on 16 October 2018: additional clearance by Cabinet of Ministers (i.e., the government) may be required to obtain an interest in a "commercial company which is important for national security". A "commercial company which is important for national security" is one which operates in any of the following sectors, provided certain quantitative thresholds are exceeded and/or qualitative criteria are met: electronic communications; TV and radio; natural gas; electrical energy; and heat energy.

Approval of the Financial and Capital Market Commission [*Finanšu un kapitāla tirgus komisija*] is required for acquisition of "significant interest" in a bank, insurance company, investment management company, electronic money institution, payment institution, or alternative investment fund manager. Acquisition of "significant interest" without said approval does not affect property rights to shares but does preclude the respective shares from voting and may trigger administrative fines.

## 2 Transactions Caught by Merger Control Legislation

### 2.1 Which types of transaction are caught – in particular, what constitutes a "merger" and how is the concept of "control" defined?

A concentration is any of the following situations: (i) formal amalgamation of legal entities or absorption of one legal entity by another; (ii) acquisition of control over an undertaking; and (iii) acquisition of control over assets (i.a. acquisition of the right to use assets), if the assets "increase acquirer's market share".

Control can be either sole or joint.

Change in quality of control – from sole to joint or from joint to sole – is also "acquisition" of control and therefore may have to be notified.

Control can be direct or indirect.

The source of control – shareholding, formal or informal agreement, right to appoint corporate officers – is irrelevant.

Control can exist even as mere practice, if other entities which formally could preclude it choose not to do so (e.g. if the *de facto* controlling minority shareholder typically is unchallenged in shareholder meetings). The lowest shareholding to date that has been found by the Competition Council to amount to decisive influence is 38.5% (decision of 20.02.2008 in case p/08/05/4 PKL Holding).

Control must be current for a concentration to arise. Control which is yet to materialise, even if such course of events is certain (e.g. under an agreement), does not constitute a concentration.

The concept of "concentration", as applied in practice, is the same as under the EU regime, with the exception that more asset transactions are caught under the Latvian regime. In Latvia, even acquisition of assets that do not constitute an undertaking is a concentration, if the assets: "increase acquirer's market share"; essentially "bottleneck" assets (e.g. supermarket premises; land plots unique in terms of size, location and zoning; petrol stations; and data or electricity transmission cables) are caught under this limb of the concept of "concentration".

Latvian law contains the equivalent of Article 3(5)(a) and (b) of EU Merger Regulation (no concentration where (a) a financial institution

holds securities on a temporary basis, or (b) control is acquired by an office-holder relating to insolvency or similar proceedings). There is no equivalent of Article 3(5)(c) (no concentration if control is acquired by a financial holding company which does not determine the target company's competitive conduct); however, in practice the law is interpreted to the same effect.

### 2.2 Can the acquisition of a minority shareholding amount to a "merger"?

Yes. Acquisition of a minority shareholding is a concentration if the shareholding, by virtue of agreement or law or as a matter of practice, results in acquisition of control.

### 2.3 Are joint ventures subject to merger control?

Creation of a full-function joint venture is a concentration and may, therefore, be notifiable. In practice, the concept of "full-functionality" is the same as under the EU regime.

The standard jurisdictional thresholds apply.

Full-functionality will not arise where the joint venture supplies goods and/or services only to the parent businesses and has no "presence" on the wider market or dealings with third parties.

Full-functionality may arise even when the joint venture is a brand-new business which has not previously traded and is not acquiring an existing business from its parents (or an independent vendor). It is irrelevant whether the joint venture is created as a "greenfield operation".

In principle, a full-function joint venture may exist even without a separate legal personality (although a contractual arrangement of this sort would be highly unusual).

### 2.4 What are the jurisdictional thresholds for application of merger control?

Merger control is mandatory if:

(i) the combined aggregate Latvian turnover of the merging parties is at least 30 million EUR; and

(ii) the aggregate Latvian turnover of each of at least two merging parties is at least 1.5 million EUR.

Turnover comprises the amounts derived from the sale of products and the provision of services in the preceding financial year. VAT and other sales taxes are not included.

Turnover is assessed for the entire group of the acquirer and for the target (including all entities directly or indirectly controlled by the target). A seller's turnover is not considered.

Group turnover comprises (i) all entities controlled, directly or indirectly, by the party to the transaction, (ii) all entities controlling, directly or indirectly, the party to the transaction, and (iii) all entities controlled, directly or indirectly, by the entities referred to in (ii). Double inclusion of turnover is not permitted, therefore no account is taken of turnover resulting from intra-group transactions. If entities referred to in (i), (ii) or (iii) comprise a joint venture, the entire turnover of the joint venture is considered (i.e., not just a part of the turnover in proportion to group's interest in the joint venture).

There is no exception for turnover not falling within the undertakings' ordinary activities.

Where the target is an asset, the turnover of the target is the amount derived "from the use of the asset in economic activity". For retail premises, the amount corresponds to the value of sales from the respective premises, not (actual or notional arm's length) rent.

See question 2.7 below for information regarding *ex post* control of below-threshold transactions.

### 2.5 Does merger control apply in the absence of a substantive overlap?

Yes, it does.

### 2.6 In what circumstances is it likely that transactions between parties outside your jurisdiction ("foreign-to-foreign" transactions) would be caught by your merger control legislation?

Foreign-to-foreign transactions are, in principle, caught by the Latvian merger regime. Turnover thresholds, defined by reference to turnover in Latvia (see question 2.4 above), are decisive, rather than based on the location of legal seat, premises or assets.

The Competition Council has never prohibited or cleared with conditions a foreign-to-foreign transaction. Nor has the authority ever fined or investigated a failure to notify a foreign-to-foreign transaction.

### 2.7 Please describe any mechanisms whereby the operation of the jurisdictional thresholds may be overridden by other provisions.

A below-threshold concentration may be subject to *ex post* control. The Competition Council may request an *ex post* notification within 12 months from the effective date of a concentration if:

(i) at least two of the parties are active on the same relevant market and their combined market share exceeds 40%;

(ii) there is reasonable suspicion that the concentration creates or strengthens a dominant position or significantly lessens competition; and

(iii) the concentration has an effect on competition in Latvia.

In order to pre-empt *ex post* control, parties may request from the Competition Council a formal waiver or voluntarily file a notification.

The *ex post* control may lead to behavioural and structural remedies.

Since the introduction of *ex post* control in June 2016, the Competition Council is not known to have requested a single *ex post* notification or to have issued a single decision following a voluntary filing. The primary targets for *ex post* control are mergers in pharmacy, petrol station and food retail sectors.

See question 1.4 above regarding national security clearance by the Cabinet of Ministers. This procedure is independent of control of concentrations.

The referral mechanisms of the EU Merger Regulation apply.

### 2.8 Where a merger takes place in stages, what principles are applied in order to identify whether the various stages constitute a single transaction or a series of transactions?

Two or more asset transactions which take place within a two-year period between the same undertakings are treated as one and the same concentration arising on the date of the last transaction. This rule is aimed at preventing circumvention of control of concentration by transferring an asset one part at a time.

As regards non-asset transactions, the issue of staggering is not deemed relevant, as concentration is deemed to arise at the moment

of acquisition of control, irrespective of whether such acquisition is the result of one or more transactions. If formally separate unnotified below-threshold acquisitions were demonstrably linked by a single intent, the competition authority would treat them as a single transaction; the time period between the transactions would be considered only in the assessment of unity of intent.

## 3 Notification and its Impact on the Transaction Timetable

### 3.1 Where the jurisdictional thresholds are met, is notification compulsory and is there a deadline for notification?

Yes, notification is compulsory. Notification must be submitted on the effective day of concentration, at the latest.

### 3.2 Please describe any exceptions where, even though the jurisdictional thresholds are met, clearance is not required.

No such exceptions exist.

### 3.3 Where a merger technically requires notification and clearance, what are the risks of not filing? Are there any formal sanctions?

The fine for failure to file a notification is up to 3% of turnover in the preceding financial year.

Sanctions for failure to file cannot be imposed on a corporate officer. Criminal liability of a corporate officer is possible in principle, if he/she fails to comply with the Competition Council's instructions to him/her and has thereby caused "significant harm"; this ground of liability has never been invoked in practice.

The most recent decision imposing a fine for failure to notify was adopted in December 2013. At the time, the statutory maximum fine was expressed as an absolute sum per day, rather than as a percentage of turnover; the fine imposed was 0.07% of the statutory maximum or 0.03% of turnover in the preceding financial year.

On 18 October 2018, a Lithuanian company operating in fuel retail concluded an agreement with the Competition Council, agreeing to pay 57 419 EUR for failure to notify a concentration which had been implemented on 31 May 2017. The effective rate of fine was approx. 160 EUR per day.

Enforcement of a fine against an entity not present in Latvia is very probable.

Under Latvian law (i.a. contract law), failure to notify does not affect the validity of transaction.

### 3.4 Is it possible to carve-out local completion of a merger to avoid delaying global completion?

From a strictly legal point of view, carve-out of the Latvian part of the transaction from the global transaction is not possible.

However, there is no formal standstill obligation after filing (see question 3.7 below); the parties can proceed to close the transaction if they consider the risk of fines following a prohibition decision or a conditional clearance decision to be acceptably low.

### 3.5 At what stage in the transaction timetable can the notification be filed?

Filing can be made as soon as the parties are able to provide information describing the intended structure and outcome of the transaction. A letter of intent or memorandum of understanding is sufficient; mere declaration of the filing party is not. In practical terms, in most cases it is advisable to file once at least a draft agreement is available, because the authority's clearance cannot cover ancillary restraints that have not been notified.

In the case of a public bid, the parties can notify the transaction where they have publicly announced an intention to make such a bid.

### 3.6 What is the timeframe for scrutiny of the merger by the merger authority? What are the main stages in the regulatory process? Can the timeframe be suspended by the authority?

The Competition Council can examine a notification in one or two phases:

- Phase I: the decision must be adopted within one month from filing; and/or
- Phase II: the decision must be adopted within four months from filing in the case of full-form notification or three months from filing in the case of short-form notification.

These deadlines may be extended by 15 business days if remedies need to be assessed.

Phase II may be opened if in-depth examination is required. In practice, Phase II is sometimes opened in order to manage an authority's workload.

The clock is started on the day the filing is deemed complete. The Competition Council must inform the notifying party whether the filing is deemed complete within three business days from submission.

Once started, the clock cannot be stopped, unless the notifying party reaches an agreement with the authority under general administrative law.

### 3.7 Is there any prohibition on completing the transaction before clearance is received or any compulsory waiting period has ended? What are the risks in completing before clearance is received?

No, it is not prohibited to complete a transaction after filing but before clearance. However, the parties will have committed an infringement if the authority's examination results in prohibition, and will be likely to have committed an infringement if the authority's examination results in conditional clearance. Accordingly, the parties can complete a transaction at their own risk. A fine for concentration in violation of a prohibition or a conditional clearance is up to 3% of turnover in the preceding financial year.

Under Latvian law (i.a. contract law), completion of a transaction in violation of a prohibition or a conditional clearance does not affect its validity. There is no automatic unwinding of the transaction.

If a completed transaction is prohibited or is cleared with conditions that are unacceptable to the parties, it is up to them to resolve the situation. The competition authority may order behavioural and structural measures to limit adverse effects on competition.

It is not possible to obtain formal permission for completing the transaction before clearance. However, usually it is possible to obtain informal guidance about the likely content of a forthcoming decision.

### 3.8 Where notification is required, is there a prescribed format?

There is no mandatory or recommended form of notification.

The content of notification is prescribed in Regulation No 800 (see question 1.2 above, Articles 18–34). The Regulation can be accessed at:

- https://likumi.lv/ta/id/181924 (the authentic Latvian text);
- https://likumi.lv/ta/en/en/id/181924; or
- https://www.kp.gov.lv/oldfiles/38/citi%2Fnr800.doc (English translation).

Full-form notification must describe the legal structure of an acquirer's group and target's group, their operations, market conditions, the transaction, its economic rationale, and effects on competition.

The Latvian authority can be asked and usually agrees to examine supporting documents in English without a translation. The notification must be submitted in Latvian.

Original signed copies of powers of attorney and attestation of truthfulness are required. Photocopies/scans of other documents are usually sufficient.

The authority encourages the notifying parties to engage in pre-notification discussions, but does not routinely reject as incomplete those notifications that have not been discussed prior to filing. However, if the notifying party wishes to negotiate a reduction in the amount of information to be provided, pre-notification discussions are advisable.

### 3.9 Is there a short form or accelerated procedure for any types of mergers? Are there any informal ways in which the clearance timetable can be speeded up?

The maximum duration of Phase II is three months from filing in the case of short-form notification (instead of four months in the case of full-form notification).

A short form notification may be filed if any of the following criteria are met:

(i) no two parties operate in the same relevant market or in vertically-related markets;

(ii) parties do operate in the same relevant market, but their combined market share does not exceed 20%;

(iii) parties do operate in vertically-related markets, but the market share of each party does not exceed 30%;

(iv) parties acquire joint control over an undertaking which does not currently and does not intend to generate turnover from sale of goods and provision of services in Latvia; or

(v) a party obtains sole control over an undertaking which already is under its and another undertaking's joint control.

The content of short-form notification is prescribed in Regulation No 800 (see question 3.8 above, Articles 18–24). Short-form notification does not require information on corporate officers' managerial or supervisory positions in other undertakings, on non-controlling stakes above 10%, on market development in the three preceding years, on imports and trade barriers, on largest competitors, on largest suppliers and clients, on demand structure, on entry barriers, and on positive and negative effects of the concentration.

The Competition Council is relatively receptive towards reasoned informal requests for expedited decision-making in unproblematic cases.

### 3.10 Who is responsible for making the notification?

The obligation to notify rests jointly on the entities which acquire direct or indirect control. It is possible to make a joint filing, but usually only one entity makes the filing.

### 3.11 Are there any fees in relation to merger control?

Yes, a fee must be paid. The payment must be made by the moment of filing; a notification is not deemed complete until the payment is made.

The amount of fee is prescribed in Regulation No 362 (see question 1.2 above). The Regulation can be accessed at https://likumi.lv/ta/id/282865 (the authentic Latvian text; currently an English translation is not available).

The amount of fee is the lowest applicable from among the following:

(i) short-form filing: 2,000 EUR;

(ii) *ex post* filing at the request of the Competition Council, or a voluntary filing in case the concentration falls short of mandatory notification threshold: 2,000 EUR;

(iii) notification of a concentration in which the aggregate turnover of the parties in the preceding financial year in Latvia has been at least 30 million EUR, but below 80 million EUR: 4,000 EUR; and

(iv) notification of a concentration in which the aggregate turnover of the parties in the preceding financial year in Latvia has been at least 80 million EUR: 8,000 EUR.

### 3.12 What impact, if any, do rules governing a public offer for a listed business have on the merger control clearance process in such cases?

The rules on control of concentrations and public bids do not make provision for coordination between the two procedures. Currently it is not known whether and what conditions related to control of concentrations the financial markets authority would permit in a takeover bid prospectus.

### 3.13 Will the notification be published?

The fact of notification, along with the names of the entities involved and a brief mention of the economic activities concerned is published on the competition authority's website within three business days from the submission of a complete notification.

The filing itself or any details about the procedure normally are not published.

## 4 Substantive Assessment of the Merger and Outcome of the Process

### 4.1 What is the substantive test against which a merger will be assessed?

The substantive test is "creation or strengthening of a dominant position or significant lessening of competition". The test is applied to all concentrations. The competition authority has not published guidance about its approach to the substantive assessment.

Since the introduction of control of concentrations in 2002, the Competition Council has issued 272 unconditional clearances, 23 conditional clearances, and five prohibition decisions.

In 2012 the Competition Council permitted, with conditions, the merger of two TV networks. In terms of free-to-air viewing share, the transaction was a 35% + 32% concentration, and in terms of TV advertising revenue, the combined entity achieved a market share of approx. 70% (decision of 11.05.2012. in case 90/12/03.01./2 MTG Broadcasting / LNT). The authority's decision relied, in part, on failing firm defence as regards the target company.

In the most recent prohibition decision, the authority banned the lease of supermarket premises by the 2nd largest retailer, arguing that within the relevant geographic market – 13-minute drive from the premises at issue – the concentration would have resulted in significant lessening of competition (decision of 12.01.2017 in case *KL\5–4\16\13 Plesko Real Estate (Rimi)/Prisma Latvija/Domina*).

The law allows the authority to "take into account" the "social gains". In decisional practice, this criterion has not been addressed. For further details, see question 4.3 below.

### 4.2 To what extent are efficiency considerations taken into account?

The authority addresses efficiency considerations, at least to some extent, in all cases that are not clearly unproblematic. The authority uses the analytic framework provided in the European Commission's "Non-horizontal Guidelines" and "Horizontal Guidelines".

### 4.3 Are non-competition issues taken into account in assessing the merger?

The law allows the authority to "take into account" the "social gains". In decisional practice, this criterion has not been addressed. It is uncommon for notifying parties to express views about "social gains" associated with the transaction in their notifications.

Considerations such as media plurality, protecting "national champions" and employment are usually dismissed by the authority as irrelevant for the purposes of control of concentrations. However, in problematic cases parties tend to raise these and similar non-competition considerations in face-to-face meetings with the authority.

### 4.4 What is the scope for the involvement of third parties (or complainants) in the regulatory scrutiny process?

The fact of notification is published on the competition authority's website. For further details, see question 3.13 above.

Third parties are entitled to express views about the notified concentration.

In potentially problematic cases, the authority frequently approaches competitors to invite their comments.

The authority is legally obliged to consider third-party submissions and discuss them in the decision.

Third parties may be granted access to elements of casefile that do not contain commercially sensitive information. In case of doubt, the notifying entity will usually be consulted about the scope of information that may be disclosed to a third party.

### 4.5 What information gathering powers (and sanctions) does the merger authority enjoy in relation to the scrutiny of a merger?

The authority may request information from the parties to the transaction and any third parties. The addresses of such requests are legally obliged to respond.

The following sanctions may apply in case information is unjustifiably withheld or untrue or misleading information is provided:

(i) a fine up to 1% of annual turnover may be imposed on an undertaking;

(ii) clearance may be revoked if the beneficiary of the clearance has withheld information or supplied misleading information; and

(iii) a fine up to 1,400 EUR may be imposed on a natural person.

The decision imposing the sanction will be published on the authority's website.

### 4.6 During the regulatory process, what provision is there for the protection of commercially sensitive information?

The authority and its officials are under a legal obligation to protect commercially sensitive information. A private entity has no right to withhold information from the authority on the grounds of commercial sensitivity.

In all submissions to the authority, confidential information must be marked as such. If necessary, the authority will request clarifications and/or non-confidential versions.

Only non-confidential versions of decisions are made public, e.g., market shares are usually indicated in ranges of 10 percentage points.

Leakage of commercially sensitive information from the competition authority so far has not been an issue.

## 5 The End of the Process: Remedies, Appeals and Enforcement

### 5.1 How does the regulatory process end?

The regulatory process ends with a formal decision. A non-confidential version of the decision is published on the authority's website and in the official journal.

In principle, the authority can clear a concentration implicitly by failing to issue a decision, but is not known to have ever done so.

### 5.2 Where competition problems are identified, is it possible to negotiate "remedies" which are acceptable to the parties?

Yes, remedies can be negotiated. Structural and behavioural remedies are possible; in practice, most remedies have been behavioural.

For the effect of negotiation of remedies on timetable, see question 3.6 above.

Liaison with authorities in other countries in relation to remedies cannot affect the timetable in Latvia, unless specifically agreed with the notifying party.

### 5.3 To what extent have remedies been imposed in foreign-to-foreign mergers?

Until now, in foreign-to-foreign concentrations remedies have not been imposed.

**5.4 At what stage in the process can the negotiation of remedies be commenced? Please describe any relevant procedural steps and deadlines.**

Negotiation of remedies will typically commence at the end of Phase I or early in Phase II. The authority will specify deadlines for submission of proposals regarding remedies in coordination with the notifying party. No special form requirements apply.

**5.5 If a divestment remedy is required, does the merger authority have a standard approach to the terms and conditions to be applied to the divestment?**

No, it does not.

**5.6 Can the parties complete the merger before the remedies have been complied with?**

The parties may implement the concentration if and to the extent the remedy clauses in the decision are not infringed. Until now the authority has not ordered remedies that are worded as conditions precedent to implementation of concentration.

**5.7 How are any negotiated remedies enforced?**

Failure to comply with remedies is fined in the same way as concentration without notification and concentration in violation of a prohibition. For details, see question 3.3 above.

The authority has never appointed a "monitoring trustee" and does not have a specific procedure for doing so. In principle, such measures could be devised under general administrative law.

**5.8 Will a clearance decision cover ancillary restrictions?**

A clearance decision covers ancillary restraints, provided they have been disclosed as such in the notification.

**5.9 Can a decision on merger clearance be appealed?**

A decision, or a part thereof (e.g. remedies), can be appealed by the addressee and by a third party with a demonstrable interest. If the third party has not filed observations during the procedure at the authority, usually it will not be deemed to possess a demonstrable interest.

Appeal is heard in two instances. The first instance court decides on merits and law. The second instance court decides on points of law only.

Proceedings in each instance take, on average, 12 months.

An appeal does not suspend the operation of a clearance or remedies.

**5.10 What is the time limit for any appeal?**

The addressee of a decision may appeal within one month from the date the decision is notified. A third party may appeal within one month from the date the decision is published.

**5.11 Is there a time limit for enforcement of merger control legislation?**

Statutory law does not provide for a limitation period. It is currently a contentious issue whether the absence of limitation periods in Latvian competition enforcement is constitutionally permissible.

## 6 Miscellaneous

**6.1 To what extent does the merger authority in your jurisdiction liaise with those in other jurisdictions?**

The Latvian Competition Council is a member of the European Competition Network and the International Competition Network. It does liaise with other authorities to which the same transaction has been notified, yet assessment seems to be largely independent.

**6.2 What is the recent enforcement record of the merger control regime in your jurisdiction?**

Since the summer of 2018, the Latvian authority has changed policy towards a closer scrutiny of the economic context within which a transaction occurs. In pre- and post-filing communication with the authority, the notifying parties are requested to provide more detail about the markets and the financing of the transaction.

Statistics on control of concertation is published in the authority's annual reviews: https://www.kp.gov.lv/par-mums/publiskie-parskati. All decisions are available at https://www.kp.gov.lv/decisions.

**6.3 Are there any proposals for reform of the merger control regime in your jurisdiction?**

The Competition Council has disclosed that it is drafting amendments to the technical rules on control of concentrations. If adopted by the Cabinet of Ministers, the changes would allow for easier negotiation with the authority about limiting the scope of information to be provided but would also introduce a requirement to report in more detail about related entities outside Latvia and about the positive and negative effects of the transaction on competition. Adoption of the amendments could occur in the second half of 2019.

**6.4 Please identify the date as at which your answers are up to date.**

The answers are up to date as of 26 October 2018.

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COBALT offices are leading providers of legal services in the Baltics and Belarus with offices in Riga, Vilnius, Tallinn, and Minsk. The team of over 190 lawyers renders comprehensive legal services on all aspects of business and commercial law to local, regional and international legal entities. COBALT Latvia competition law practice is one of the largest and the most mature competition teams on the Latvian market. For almost two decades, the firm's competition lawyers have been regularly involved in the most significant and challenging merger control assignments, earning a top-tier advisor reputation in the field.

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