



# ECA issues new Pre-notification Discussion Request Form

In a move to formalize pre-filing discussions, the Egyptian Competition Authority (ECA) issued a pre-notification discussion request form. Prior to submitting a full notification, the parties involved may initiate a pre-notification consultation with the ECA by submitting a designated form. This process is intended to facilitate early engagement with the ECA and to clarify any procedural or substantive uncertainties that may arise in connection with the transaction. Pre-notification discussions are not mandatory and the concerned parties. Still, in practice the ECA does conduct comparatively lengthy pre-filing assessments of filings submitted. Under the regular filing regime, this has led to them rejecting filings as incomplete several times, requiring the parties to make several submissions. The new pre-filing discussions procedure provides a more regulated approach to pre-filing discussions.

The pre-notification form requires certain information to be provided, including the names of the parties involved in the transaction, a brief overview of their activities both worldwide and in Egypt, a preliminary definition of the market relevant to the transaction, as well as an initial assessment of potential impact on competition. Based on this form, the ECA seeks to assess whether the transaction requires full notification and if so whether the transaction will be reviewed under the regular phase 1 or simplified review process. Furthermore, the pre-notification shall serve for the ECA to issue any RFIs they deem relevant for the parties to complete the submission.

In practice, the pre-filing discussion form will likely have little relevance. The ECA already applied comprehensive pre-filing discussions prior to the form being introduced. Also, since the

form was introduced, the ECA continues to engage in Pre-filing discussions based on draft versions of the full filing form without requiring the pre-filing discussion form to be filled in. Hence, in practice, it will typically be more practical to initiate drafting the filing form and submitting it early stage to initiate discussions with the ECA.



## SARAH SHEIRA

### Associate

sarah.sheira@bremerlf.com

Sarah is an associate of the region law firm BREMER and part of the firms Antitrust & Merger Control team. She advises international corporates and PE firms on antitrust matters and merger control review under Egyptian law as well as the laws of other MENA jurisdictions. She works in English and Arabic languages.



## ASMAA MOHAMED ELDESOKY

### Senior Associate

asmaa.eldesoky@bremerlf.com

Asmaa is a senior associate of the region law firm BREMER and part of the firms Antitrust & Merger Control team. She advises international corporates and PE firms on merger control, antitrust as well as FDI matters including investment protection and general corporate matters in Egypt, Saudi Arabia, and the larger Middle East. She works in English and Arabic languages.



## NICOLAS BREMER

### Partner

nicolas.bremer@bremerlf.com

Nicolas is partner of BREMER and head of the firm's merger control & antitrust team. He advises on mergers and acquisitions transactions including merger control filings throughout the Middle East and North Africa including Saudi Arabia, Kuwaiti and Egypt. Aside from his role at BREMER he lectures at the German University Cairo (GUC) and continuously publishes on matters pertaining to mergers and acquisitions and antitrust in the MENA region.