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The Independence of Legal Persons Directly Controlled by the State or Local Governments in Hungarian Competition Law

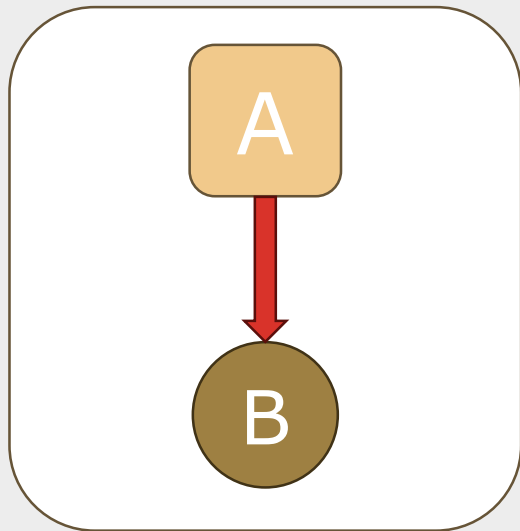
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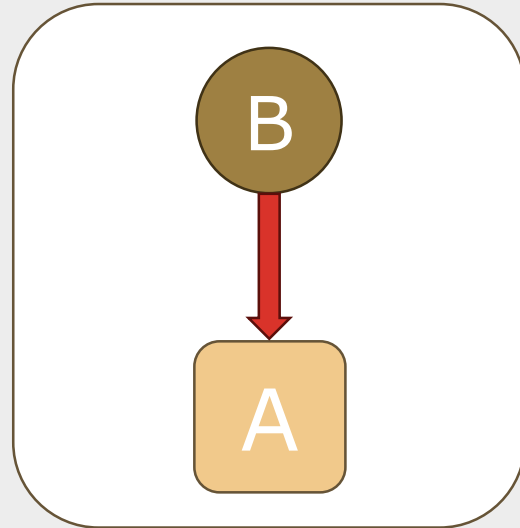
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1. Undertaking and group of undertakings in competition law

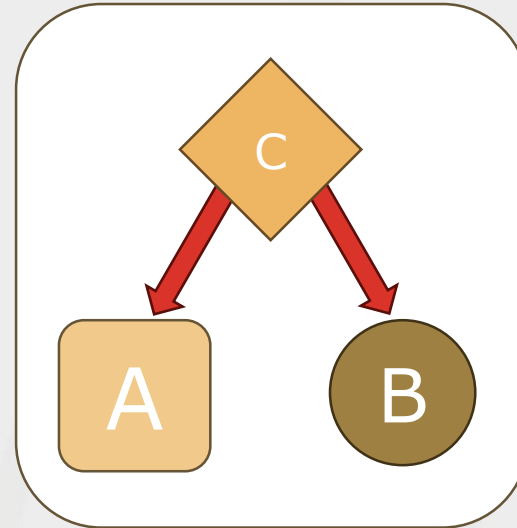
An undertaking (A) belongs to the same group of undertakings with the undertakings (B) that...



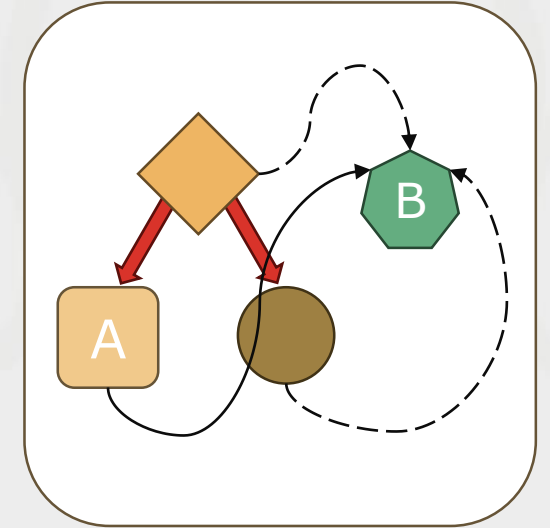
a) ...are under its sole control, directly or indirectly.



b) ...exercise sole control over it, directly or indirectly.



c) ...are under the direct or indirect and sole control of the undertakings (C) which exercise direct or indirect and sole control over the undertaking concerned.



d) ...are under the joint control of two or more of the undertakings listed above and the undertaking concerned.

2. Relevance of the concept

Restrictive agreements

Non-independent undertakings

De minimis rules

Block exemption

Abuse of dominant position

Relevant market

Market power

Merger control

Threshold numbers

3. Autonomous Decision-Making Powers – indicators

Article 15(3) of Act LVII of 1996

on the Prohibition of Unfair Market Practices and Restriction of Competition

*„The undertakings [...] directly controlled by the State or local governments and with autonomous decision-making powers in determining their market conduct shall be deemed to be **independent** of each other.“*

3. Autonomous Decision-Making Powers – indicators

1.

1.Exercise of right of control.

2.

1.Belonging to different decision centers.

3.

1.100% „ownership“.

4.

Specific rules apply only to non-independent undertakings under the general rules.

5.

Direct control.

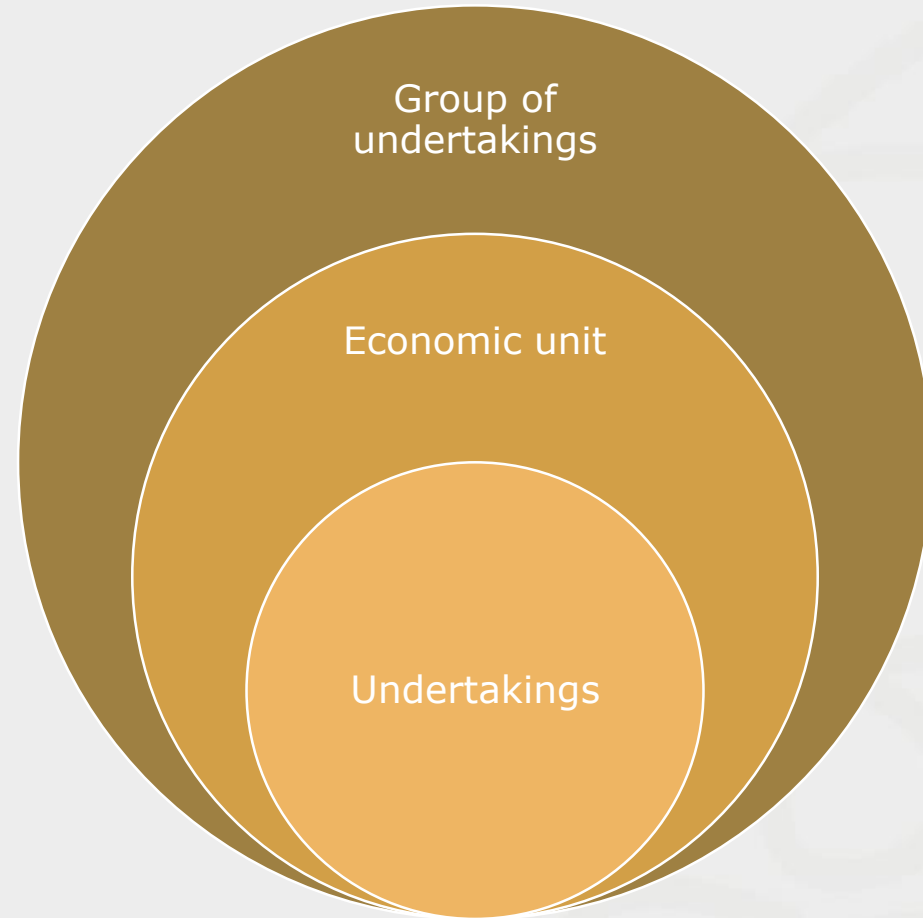
4. Economic Unit

Article 27(3) of Act LVII of 1996

on the Prohibition of Unfair Market Practices and Restriction of Competition

„In calculating the net turnover of undertakings directly controlled by the State or local governments, those undertakings constituting economic units shall be taken into account which have autonomous decision-making powers in determining their market conduct.“

4. Economic Unit





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Thank you for your attention!

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