
STATUTORY INSTRUMENTS

2003 No. 1370

The Enterprise Act 2002 (Merger Fees and
Determination of Turnover) Order 2003

PART 2

MERGER FEES

Repayment of fees

10. In a case falling within article 3(a)—

- (a) the OFT shall repay the whole of the fee where the notified arrangements would not, if they were carried into effect, result in the creation of a relevant merger situation;
- (b) the OFT shall repay the whole of the fee where it rejects the merger notice under section 99(5)(d) of the Act (rejection of merger notice where the notified arrangements are or would result in a concentration with a Community dimension);
- (c) the OFT may repay the whole of the fee in any case to which section 22(3)(e) or section 33(3)(e) of the Act applies (request to European Commission pursuant to article 22(3) of the European Merger Regulations).