

# Newsletter GP

January 29, 2021

## The SIC has set the value of the merger control fees in Colombia



Following international tendencies and pursuant to the Colombian tax reform made through Law 210 of 2019, the Colombian Antitrust Authority – the Superintendence of Industry and Commerce (“SIC”), will start charging a fee to the companies that have to go through a merger control procedure. Hence, by means of Resolution 2103 of 2020, the SIC set the values for the applicable fees to the merger control proceeding in Colombia, which shall be effective as of the publication of this Resolution, meaning that any merger control procedure that is going to be filed before the SIC after January 27, 2021 must comply with the payment corresponding to such fee, prior to the filing of the document before the SIC.

Such fees are set as follows:

TYPE OF PROCEEDING		VALUE	
Simple Notice		COP \$2,620,000 (approx. USD \$655.00)	
Pre-assessment	Phase I	COP \$14,200,000 (approx. USD \$3,550.00)	
	Phase II (will consider the parties' turnover and assets)	Turnover or assets (individually or jointly) $\geq$ 60.000 minimum legal monthly wages	COP \$26,160,000 (approx. USD \$6,540.00)
		Turnover or assets (individually or jointly) $\geq$ 120.000 minimum legal monthly wages	COP \$31.770.000 (approx. USD \$7,943.00)
		Turnover or assets (individually or jointly) $\geq$ 180.000 minimum legal monthly wages	COP \$37.380.000 (approx. USD \$9,345.00)

The Resolution states that if the parties have, individually or jointly, revenues or assets above the economic threshold set forth in the Resolution 10930 of 2015 to establish if a transaction is subject to merger control, such value will be the factor to be considered for the purposes of assessing the corresponding fee.

Now, if the parties, individually or jointly, have both, revenues and assets, above the economic threshold set forth in the Resolution 10930 of 2015 to establish if a transaction is subject to merger control, the lowest value will be considered for purposes of assessing the corresponding fee.

Finally, it is worth mentioning that the fee must be effectively paid prior to the submission of the corresponding proceeding.

### **More information:**

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