

## **ANNEXE 1: RÉPONSES AU QUESTIONNAIRE RELATIF À L'APPLICATION D'UN SMALL BUSINESS ACT EN DROIT DE LA CONCURRENCE**

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### **Union européenne**

#### **Allemagne**

How does your national law define the SME (especially for the application of antitrust law) ?

In German competition law, the definition of the term “small and medium-sized enterprises” (SME) is based on a relative definition of SMEs that is guided by the respective market structure. The absolute size of an enterprise (e.g. annual turnover, number of employees) is not the decisive criterion. Rather, the size of the enterprise in proportion to the largest enterprises active in the same sector will be taken into account. Accordingly, depending on the circumstances, even a company with an annual turnover of EUR 100 million can be regarded as an SME in a market where some of the other firms have sales in the billion euro range. In another industry with a different competitive structure, however, a firm having the same turnover figures is not necessarily to be considered small or medium-sized.

Does your national law include specific antitrust provisions for SMEs ? If yes, which ones ?

Under Section 3 of the Act against Restraints on Competition (ARC), cartels of SMEs are exempt from the prohibition of cartels if their subject matter is the rationalization of economic activities (which includes co-operative measure in the field of production, research and development, financing, administration, advertising, purchase and distribution). This only applies, however, if competition in the market is not substantially impaired thereby and the agreement serves to improve the competitiveness of SMEs. Section 3 of the ARC only applies to co-operations between competitors which do not affect trade between Member States.

Furthermore, Sect. 20 (2), (3) and (4) of the ARC contain specific provisions for SMEs. Whereas Sect. 20 (1) of the ARC prohibits dominant undertakings from discriminating or unfairly hindering other undertakings without any objective justification, Section 20 (2) s. 1 of the ARC extends the general prohibition of unfair hindrance and discrimination to undertakings on which small- or medium enterprises are vertically dependant, i.e. insofar as small or medium-sized enterprises as suppliers or purchasers of certain kinds of good or commercial services depend on them in such a way that sufficient or reasonable possibilities of resorting to other undertakings do not exist. In addition, Section 20 (3) s. 2 of the ARC extends the general prohibition of dominant undertakings to use their market positions to cause other undertakings in business activities to grant them preferential terms without any objective justification (so-called “passive discrimination”) to undertakings within the meaning of Section 20 (2) s. 1 of the ARC, in relation to the undertakings which depend on them (SMEs). Furthermore, Section 20 (4) of the ARC prohibits undertakings with superior market power in relation to small- and medium-sized competitors from directly or indirectly hindering such undertakings in an unfair manner.

Do you apply affirmative action regarding antitrust for SMEs in your SBA or in your national antitrust law ?  
n/a

Does your national law include measures to alleviate the administrative burden on SMEs ? If yes, in which particular areas ?

There are no specific provisions in the ARC which alleviate the administrative burden on SMEs. However, overall, there is a large number of measures introduced by the German legislator aimed at promoting SMEs (e.g. tax reductions, easier access to loans) and, in particular, to alleviate the administrative burden, e.g. by exempting SMEs from statistical obligations.

Does your national law include thresholds for the application of competition law ? Does it apply *de minimis* provisions ?

Pursuant to Sect. 35 para. 1 of the ARC, the merger control provisions of the ARC currently apply only if the parties of the concentration exceed certain turnover thresholds, namely (i) the combined aggregate worldwide turnover of all companies involved is more than € 500 million; and (ii) the German turnover of at least one company involved is more than € 25 million.

Recently as part of a legislative proposal aimed at cutting bureaucracy in a large number of areas, a proposal has been put before Parliament that would introduce a € 5 million domestic revenue threshold for the second company in a merger. Combined with the current € 25 million domestic revenue threshold for the first merging party, this proposal would significantly cut the number of merger filings that currently are required.

Secondly, any restraint of competition has to be “appreciable” in order to qualify as an infringement of the general prohibition on cartels under Sect. 1 of the ARC. In March 2007, the German Federal Cartel Office (FCO) has published a (new) notice on agreements of minor importance (*de minimis*). According to the notice, due to their minor anti-competitive effects, the FCO will generally not take action against horizontal agreements if the aggregate market share held by the undertakings involved does not exceed 10% in any of the markets affected. As far as vertical agreements are concerned, this threshold is a joint market share of 15%. If it is uncertain whether an agreement has to be classified as horizontal or vertical, the 10% threshold will apply. A lower market share threshold of 5% will apply in cases where there is a suspicion of cumulative market foreclosure. However, the *de minimis* thresholds do not apply to agreements containing so-called “hardcore” restrictions. In particular, they do not apply to agreements on price fixing or market allocation.

Thirdly, the size of the undertaking can also be decisive when it comes to the setting of fines under Sect. 81 (4) s. 2 of the ARC against undertakings that have violated any of the provisions of the ARC or the EC Treaty, the violation of which is punishable by a fine (e.g. violations of the prohibition of cartels or the abuse of a dominant market position). In the past, for deterrent purposes, the FCO has increased fines against undertakings merely due to their size.

Does your national law provide exceptions for the application of certain rules, in favor of the SMEs ?  
Sect. 3 of the ARC (see Question 2 above).

Pursuant to Sect. 35 para. 2 s. 1 No. 1 of the ARC, a merger is not subject to the ARC, although the above-mentioned turnover figures (see Question 5 above) are met, if a company that had a worldwide turnover of less than € 10 million in the last business year and which is not controlled by a third company (or where the whole group had a worldwide turnover of less than € 10 million in the last business year) merges with another undertaking. This exemption might apply in favor of SMEs.

## Belgique

How does your national law define the SME (especially for the application of antitrust law) ?

Most of the Belgian legislation refers to the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises, OJ [2003] L 124/36. This Recommendation defines SMEs as enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million.. Furthermore, according to that Recommendation, “small enterprises” are enterprises which employ fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.

However, other criteria may also apply. For instance, the Belgian Act of 10 February 1998 for the promotion of independent undertaking, published in the Belgian Official Gazette of 21 February 1998, defines an SME as an enterprise (i) which employs fewer than 50 workers, (ii) no more of 25% of shares

of which are held by non-SME shareholders and (iii) whose annual turnover does not exceed EUR 7 million or whose annual balance sheet total does not exceed EUR 5 million.

The Belgian Company Code only defines “small companies” as companies which respect at least two of the three following criteria: (i) they employ fewer than 50 workers, (ii) their annual turnover does not exceed EUR 7.3 million and (iii) their balance sheet total does not exceed EUR 3.65 million. However, any company that employs more than 100 workers is excluded from the definition. The Belgian Company Code also defines “small groups” as groups of companies which respect at least two of the following criteria: (i) their consolidated turnover does not exceed EUR 29.2 million, (ii) their consolidated balance sheet total does not exceed EUR 14.6 million and (iii) they do not employ more than 250 persons.

Does your national law include specific antitrust provisions for SMEs ? If yes, which ones ?  
No, it does not.

Do you apply affirmative action regarding antitrust for SMEs in your SBA or in your national antitrust law ?  
No, it does not.

Does your national law include measures to alleviate the administrative burden on SMEs ? If yes, in which particular areas ?

The Belgian Act of 10 February 1998 for the promotion of independent undertaking, published in the Belgian Official Gazette of 21 February 1998, creates an Agency whose function is to propose simplification of administrative procedures. In addition, Regions may also help SMEs. The measures relate mostly to the creation of SMEs but may also include aid regarding, for instance, training of employees. Small Companies, as defined in the Belgian Company Code, have lighter accounting obligations.

Does your national law include thresholds for the application of competition law ? Does it apply *de minimis* provisions ?

No, there is no *de minimis* threshold in the Belgian competition law.

Does your national law provide exceptions for the application of certain rules, in favor of the SMEs ?

No, the Belgian law on competition does not provide for any exception in favour of SMEs.

## Finlande

How does your national law define the SME (especially for the application of antitrust law) ?

There is no definition given for the SME in the Finnish law but Finland uses the definition found in the Commission Recommendation 2003/361/EC.

Does your national law include specific antitrust provisions for SMEs ? If yes, which ones ?

There are no specific antitrust provisions for SMEs in the Finnish law.

Do you apply affirmative action regarding antitrust for SMEs in your SBA or in your national antitrust law ?

There is no affirmative action regarding antitrust for SMEs.

Does your national law include measures to alleviate the administrative burden on SMEs ? If yes, in which particular areas ?

There are some measures in different laws that alleviate the administrative burden on SMEs.

Does your national law include thresholds for the application of competition law ? Does it apply *de minimis* provisions ?

Finnish Act on Competition Restrictions foresees certain thresholds in relation to merger control. Section 11(a) of the Act states that merger control applies if i) the combined worldwide turnover of all parties

exceeds € 350 million; and ii) the individual Finnish turnover of each of at least two parties exceeds € 20 million.

Does your national law provide exceptions for the application of certain rules, in favor of the SMEs ?  
Finnish law does not provide any exceptions for the application of certain rules in favor of the SMEs.

## Hongrie

How does your national law define the SME (especially for the application of antitrust law) ?  
In Hungary, there are no special provisions for SMEs in antitrust law and thus SME is not defined by antitrust law.

Act XXXIV of 2004 on SMEs and the promotion of their development defines SME as follows: employs less than 250 persons and its annual net revenue does not exceed 50 million EUR or its balance-sheet footing is not more than 43 million EUR. Beyond that, small enterprises are those which employ less than 50 persons and their annual net revenue or balance-sheet footing does not exceed 10 million EUR. Micro-enterprises are those which employ less than 10 persons and their annual net revenue or balance-sheet footing does not exceed 2 million EUR. However, enterprises in which the state or local municipalities hold at least 25% of the shares (either in capital or in voting rights) shall not be regarded as SMEs.

Does your national law include specific antitrust provisions for SMEs ? If yes, which ones ?  
There are no special provisions for SMEs in Hungarian antitrust law.

Do you apply affirmative action regarding antitrust for SMEs in your SBA or in your national antitrust law ?  
Neither the Hungarian SBA mentions antitrust, nor the antitrust law deals specifically with SMEs.

Does your national law include measures to alleviate the administrative burden on SMEs ? If yes, in which particular areas ?  
Simplified procedure and certain simplified rules apply for the creation of SMEs and other administrative duties regarding companies. The Court of Registration has a specific legal service to advise SMEs.

This is the first step of the 2007-2013 government strategy to promote SMEs in way of simplifying corporate, tax and accounting administration (aiming at simpler, cheaper and quicker procedures for SMEs).

Main achievement of this strategy has so far been the development of financial means designed for SMEs (including state aid, special credit program and promotion of tendering for EU funds).

Does your national law include thresholds for the application of competition law ? Does it apply *de minimis* provisions ?  
There is no general threshold. Thresholds are applied in case of merger notifications (15 billion HUF of joint net turnover for all undertakings concerned in a merger and 500 million HUF for each of at least two undertakings concerned).

De minimis provisions are applied in case of anticompetitive agreements of undertakings: anticompetitive agreements of undertakings jointly having less than 10% market share in the relevant market concerned are not prohibited. De minimis provisions do not however apply for hard core restrictions (price fixing and market sharing).

Does your national law provide exceptions for the application of certain rules, in favor of the SMEs ?  
See answer to question 4.

## Pologne

How does your national law define the SME (especially for the application of antitrust law) ?

The Polish Competition and Consumer Protection Act of February 16, 2007 (the “CCPA”) does not contain a definition of SMEs. However, it refers (among others) to the Freedom of Conducting Business Activity Act of July 2, 2004 (the “FCBA”) for a general definition of an entrepreneur. The FCBA contains a definition of SMEs which, in general terms, reflect the SME definition adopted in the Commission Recommendation 2003/361/EC. Accordingly, the Polish definition of an SME requires two criteria which to be fulfilled, being the average annual employment and the annual turnover. Therefore, the CCPA provides that:

a **small entrepreneur** (art. 105 FCBA) is an entrepreneur which, during at least one of the two previous fiscal years:

- a/ employed fewer than 50 employees on average during the year; and
  - b/ achieved a net turnover on the sale of goods, products and services and on financial operations less than the PLN equivalent of 10 million Euro; or whose total value of assets contained in the balance sheet at the end of one of the fiscal years was less than the Polish zloty equivalent of 10 million Euro,
- whereas

a **medium-sized entrepreneur** (art. 106 FCBA) is an entrepreneur which during at least one of the two previous fiscal years:

- a/ employed fewer than 250 employees on average during the year; and
- b/ achieved a net turnover on the sale of goods, products and services and on financial operations less than the PLN equivalent of 50 million Euro; or whose total value of assets contained in the balance sheet at the end of one of the fiscal years was less than the Polish zloty equivalent of 43 million Euro.

In the case of an entrepreneur operating for a period shorter than a year, its expected annual net revenue on the sale of goods, products and services and on financial operations, as well as the average annual employment level, would be estimated on the basis of data available for the most recent period, documented by the entrepreneur.

Does your national law include specific antitrust provisions for SMEs ? If yes, which ones ?

No, Polish law and the CCPA in particular, do not provide for any specific antitrust provisions with respect to SMEs.

Do you apply affirmative action regarding antitrust for SMEs in your SBA or in your national antitrust law ?

No, Polish antitrust law does not provide for any specific provisions giving explicit rights to SMEs.

Does your national law include measures to alleviate the administrative burden on SMEs ? If yes, in which particular areas ?

Polish law provides for certain measures aimed at alleviating the administrative burden on SMEs, in particular in such areas as registration procedures, tax, labor, social security and public procurement law, as well as access to new technologies and sources of financing. For the time being, no such measures are provided for specifically in Polish antitrust law with respect to SMEs and we are not aware of any proposals to introduce new legislation in this area.

Does your national law include thresholds for the application of competition law ? Does it apply *de minimis* provisions ?

The Polish Competition and Consumer Protection Act provides for a *de minimis* rule in art. 14 point 1 which states that a planned concentration is exempted from the obligation of prior notification if the turnover of the entrepreneur in Poland over which the control is to be taken, was less than the PLN equivalent of 10 million Euro in any of the two fiscal years preceding the notification.

Does your national law provide exceptions for the application of certain rules, in favor of the SMEs ?  
No, Polish law does not provide such exceptions.

## Portugal

How does your national law define the SME (especially for the application of antitrust law) ?

Portuguese law uses the definition of SME, foreseen in the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (2003/361/EC). This definition has legislative value in Portugal as it is established in the Annex to Decree-Law 372/2007, of 6 November, which established the system for on-line certification of SMEs.

In the field of antitrust law, the Competition Act (Law no. 18/2003, of 11 June) neither makes any reference nor provides a definition of SME.

Does your national law include specific antitrust provisions for SMEs ? If yes, which ones ?

Portuguese law does not include any specific antitrust provisions for SMEs.

Do you apply affirmative action regarding antitrust for SMEs in your SBA or in your national antitrust law ?

Portuguese antitrust law does not foresee any affirmative action mechanisms for SMEs or SBA. Moreover, administrative practice of the Competition Authority also does not reflect any application of affirmative action in this field.

Does your national law include measures to alleviate the administrative burden on SMEs ? If yes, in which particular areas ?

In Portugal, there is an Institute for the Support of Small and Medium Enterprises and Innovation ("IAPMEI, I.P."). Among IAPMEI, I.P.'s missions, one finds the performance of policies that aim strengthening the competitiveness of SMEs.

Recently, Decree-Law 372/2007, of 6 November, created a system of on-line certification of SMEs. This certification mechanism allows for any interested company to assess if it falls under the definition of SME.

Does your national law include thresholds for the application of competition law ? Does it apply *de minimis* provisions ?

The Portuguese Competition Act does not include any specific threshold as regards SMEs.

### Merger control

The only thresholds foreseen in the Competition Act concern the criteria for notification of a concentration. Pursuant to its Article 9, concentrations are subject to prior notification when one of the following conditions is fulfilled:

- a) Their implementation creates or reinforces a share exceeding 30% of the national market, or of a substantial part of it, for a particular good or service;
- b) The group of undertakings taking part in the concentration has recorded in Portugal a turnover exceeding Euros 150 million in the previous financial year (net of directly related taxes), provided that the individual turnover in Portugal of at least two of these undertakings exceeds two million Euros.

Apart from the merger control provisions, the Competition Act does not establish any *de minimis* provisions.

### State aid

The Council of Ministers Resolution no. 1464/2007 of 3 July approved the National Strategic Reference Framework ("QREN"). This Resolution sets forth three horizontal incentives' schemes according to their

objective: (i) Investigation and Technological Development, (ii) Innovation, and (iii) Qualification and Internationalization of SMEs.

This strategic document was implemented by Decree-Law no. 287/2007 of 17 August, which approved the national framework of the systems of incentives to the investment by undertakings for the period between 2007 and 2013.

Article 16(1) of Decree-Law no. 287/2007 establishes the maximum thresholds of maximum gross incentives that can be granted to SMEs for investment in Innovation & Development (“I&D”). These figures are presented as a percentage of the eligible investment, which is converted in not reimbursable subsidy:

Type of investment		General application		Application to collective efficiency strategies (1)	
I&D investments		Maximum EC threshold		Maximum EC threshold	
Productive investments	Structural projects, entrepreneurship, strategic projects	SE	40%	SE	50%
		ME	30%	ME	40%
	Creation, modernization, restructuring and requalification			SE	35%
				ME	25%
Investment in other dynamic factors by SMEs		SE	45%	SE	50%
		ME	35%	ME	40%

(1) Strategies directed to innovation, qualification or modernization of a set of undertakings located in the same territory, campus or cluster which create positive externalities.

The schemes of incentives were further developed in Regulations approved by *Portarias* (administrative regulations): *Portaria* no. 1464/2007, of 15 November, approved the Regulation of the System of Incentives to Innovation; *Portaria* no. 1463/2007, of 15 November approved the Regulation of the Qualification and Internationalization of SMEs’ incentives scheme; and *Portaria* no. 1462/2007, of 15 November approved the Regulation of the Investigation and Technological Development’s incentives scheme.

The aforementioned Regulations precise the types of incentives that can be awarded under each of the schemes and establish the types of incentives and respective limits per each of the incentive schemes (subject to the maximum thresholds set forth in Article 16(1) of Decree-Law no. 287/2007).

**Does your national law provide exceptions for the application of certain rules, in favor of the SMEs ?**

Portuguese law does not foresee exceptions for the application of certain rules in favour of SMEs. However, SMEs benefit from the existence of a public institute (IAPMEI, I.P.), which has the statutory mission of promoting the innovation and implementing policies designed to stimulate the development of companies, with the goal of strengthening their competitiveness and productivity, in particular of SMEs.

Further information on the incentives to SMEs that are granted by IAPMEI, I.P. can be found at <http://www.iapmei.pt/index.php>.

## Royaume-Uni

How does your national law define the SME (especially for the application of antitrust law) ?

UK law does not define the SME for the purposes of the application of antitrust law (there is simply an exception regarding “small agreements” discussed below under Question 6).

For the purpose of most issues in company law, the definitions of small and medium are found in the Companies Act 2006 as amended by The Companies Act 2006 (Amendment) (Accounts and Reports) Regulations 2008:

Section 382: Companies qualifying as **small** :

... (3) The qualifying conditions are met by a company in a year in which it satisfies

two or more of the following requirements—

1. Turnover - Not more than £6.5 million
2. Balance sheet total - Not more than £3.26 million
3. Number of employees - Not more than 50 ...

Section 465: Companies qualifying as **medium-sized**:

... (3) The qualifying conditions are met by a company in a year in which it satisfies

two or more of the following requirements—

1. Turnover - Not more than £22.8 million
2. Balance sheet total - Not more than £11.4 million
3. Number of employees - Not more than 250 ...

Figures are a little different to qualify for the audit exemption.

Does your national law include specific antitrust provisions for SMEs ? If yes, which ones ?

UK competition does not include specific antitrust provisions for SMEs although some provisions are more likely to affect SMEs than other companies – i.e. small agreements discussed under Question 6.

Do you apply affirmative action regarding antitrust for SMEs in your SBA or in your national antitrust law ?  
Not applicable.

Does your national law include measures to alleviate the administrative burden on SMEs ? If yes, in which particular areas ?

Yes – principally in relation to accounting and reporting (not in relation to antitrust).

Small companies can:

Take advantage of less onerous accounting and reporting requirements under the 2006 Act and the Small Companies and Groups (Accounts and Directors' Report) Regulations 2008

Prepare less detailed accounts and directors' reports for its shareholders

File abbreviated accounts with the Registrar of Companies

Dispense with the requirement to have its accounts audited

Medium-sized companies can:

Take advantage of less onerous accounting and reporting requirements under the 2006 Act and the Large and Medium-sized Companies and Groups (Accounts and Reports) Regulations 2008

Prepare less detailed accounts and directors' reports for its shareholders

File abbreviated accounts with the Registrar of Companies

Does your national law include thresholds for the application of competition law? Does it apply *de minimis* provisions?

The UK's Competition Act 1998 contains the "Chapter 1 Prohibition" which is modeled on Article 81 EC and provides that "subject to section 3 of the 1998 Act (excluded agreements), agreements between undertakings, decisions by associations of undertakings or concerted practices which may affect trade within the UK and have as their object or effect the prevention, restriction or distortion of competition within the UK, are prohibited unless they are exempt in accordance with this Part".

This prohibition is only applicable where an agreement brings about an appreciable restriction of competition (according to EC case law and the Office of Fair Trading's Guidelines on the Chapter 1 Prohibition). The OFT takes the view that an agreement will have no appreciable effect on competition if the undertakings' combined market share of the relevant market does not exceed 25%, except where the agreement includes a hardcore restriction of competition.

Does your national law provide exceptions for the application of certain rules, in favor of the SMEs?

The Competition Act 1998 provides for limited immunity for small agreements and conduct of minor significance. In order to avoid the prohibition regime being unduly burdensome on small businesses, the Act provides limited immunity from financial penalties for small agreements in relation to infringements of the Chapter I prohibition and for conduct of minor significance in relation to infringements of the Chapter II prohibition (abuse of dominance). This immunity does not apply to any infringements of Article 81 or Article 82, so small businesses whose activities may have an effect on trade between Member States may be subject to penalties even in respect of small agreements or conduct of minor significance. Neither does the immunity apply to infringements of the Chapter I prohibition which are price-fixing agreements.

The term small agreements relates to agreements, other than price-fixing agreements, between undertakings whose combined annual turnover does not exceed £20 million. Conduct will be considered to be of minor significance if the annual turnover of the undertaking concerned does not exceed £50 million. The way in which turnover is to be calculated is set out in the Competition Act 1998 (Small Agreements and Conduct of Minor Significance) Regulations 2000 (SI 2000/262).

Undertakings will benefit from immunity from financial penalties for infringement of the Chapter I prohibition or Chapter II prohibition, as appropriate, if the OFT is satisfied that they acted on the reasonable assumption that on the facts they qualified for the limited immunity for small agreements or conduct of minor significance.

The immunity applies only to financial penalties: an anti-competitive agreement or abusive conduct by such undertakings is still an infringement, and consequently the OFT may take other enforcement action, and the immunity does not prevent third parties from claiming damages for the loss caused by such an agreement or conduct.

The OFT may still investigate small agreements or conduct of minor significance and can decide to withdraw the immunity from financial penalties if, having investigated the agreement or conduct, it considers that it is likely to infringe the Chapter I prohibition and/or the Chapter II prohibition.

Where the OFT has withdrawn the immunity from penalties for infringement of the Chapter I prohibition or the Chapter II prohibition, it must give written notice of its decision to the person or persons from whom the immunity has been withdrawn. The notice will specify the date on which the withdrawal of immunity is to take effect. When determining that date, the OFT must have regard to the amount of time which the person or persons affected are likely to need in order to secure that there is no further infringement of the Chapter I prohibition or the Chapter II prohibition, as the case may be. That date must follow the date of the OFT's decision.

## Suède

How does your national law define the SME (especially for the application of antitrust law) ?

For the purposes of the Swedish Annual Accounts Act, a smaller company is defined as a company that fulfils more than one of the following conditions:

The average number of employees in the company has for each of the previous two financial years not exceeded 50;

The balance sheet turnover of the company has for each of the two previous financial years not exceeded SEK 25 million;

The net turnover for each of the two previous financial years has not exceeded SEK 50 million.

For the purposes of State Aids, Sweden applies the EC Recommendation 2003/361/EC for the definition of SMEs.

There is no special definition for SMEs for the purposes of the Swedish Competition Act.

Does your national law include specific antitrust provisions for SMEs ? If yes, which ones ?

The Swedish Competition Act, which governs both antitrust infringements and merger control contains no special provisions targeted at SMEs.

Do you apply affirmative action regarding antitrust for SMEs in your SBA or in your national antitrust law ?

Not under the administration of the Competition Act. Could you please be more specific with respect to the definition of an "SBA".

Does your national law include measures to alleviate the administrative burden on SMEs ? If yes, in which particular areas ?

Yes, for the purposes of preparing their annual accounts, smaller companies are permitted *inter alia* to draw up abridged balance sheets, and other measures in order to facilitate the accountancy of smaller companies.

Does your national law include thresholds for the application of competition law ? Does it apply *de minimis* provisions ?

The Swedish Competition Act lays down merger filing thresholds. A merger must be notified to the Swedish Competition Authority if the combined turnover of the parties in Sweden exceeds SEK 1 billion and each of at least two of the undertakings concerned has a turnover in Sweden exceeding SEK 200 million.

The application of Swedish competition law follows the EC practice on the application of the *de minimis* doctrine.

Does your national law provide exceptions for the application of certain rules, in favor of the SMEs ?

See answer under question 4.