



# Sweden

## Global merger control handbook – update

APRIL 2020

### Merger control legislation updates since 1 July 2018

The Swedish merger control legislation has not been updated since 1 July 2018.<sup>1</sup>

### Landmark merger control cases since 1 July 2018

**First prohibition decision from the Swedish Competition Authority, dnr 661/2018**

Since 2018, the Swedish Competition Authority (“SCA”) is authorized to prohibit a merger. In 2019, the SCA used this authority for the first time and decided to prohibit three dairy companies from acquiring Svensk Mjök AB, a company owning three popular and well-known Swedish cheese brands.

The SCA decision was later appealed to the Patent and Market Court. The Patent and Market Court did however not rule on the merits of the case since an arbitral tribunal had found

that the decision to sell the shares in Svensk Mjök AB was not permitted. The Patent and Market Court therefore found that there was no concentration at hand and that it could not try a hypothetical case.

<http://www.konkurrensverket.se/nyheter/affar-om-ostvarumarken-stoppas-for-att-skydda-konsumenterna/>

<http://www.konkurrensverket.se/en/news/deal-concerning-cheese-brands-is-stopped-to-protect-consumers/>

### Order to notify a completed transaction below the mandatory thresholds, dnr 698/2019

In certain circumstances, the SCA may order parties to notify a transaction even though the mandatory merger notification thresholds are not met. Until 2019, there had been five such cases in total, of which the last was in 2013. Parties may under certain circumstances voluntarily file a merger and thus mitigate the risk of having to notify a merger after it has been completed.

<sup>1</sup> Only minor changes have been made to the Swedish Competition Act (SFS 2019:933). These changes do not affect the merger control legislation.

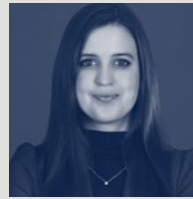
## Web link to the national competition authority

Swedish Competition Authority: [www.konkurrensverket.se](http://www.konkurrensverket.se)

### Your merger contacts in Sweden

#### Advokatfirma DLA Piper Sweden KB

Kungsgatan 9  
PO Box 7315  
SE - 103 90  
Stockholm  
Sweden



**Johanna Svantesson**

[johanna.svantesson@dlapiper.com](mailto:johanna.svantesson@dlapiper.com)



**Elisabet Borg**

[elisabet.borg@dlapiper.com](mailto:elisabet.borg@dlapiper.com)