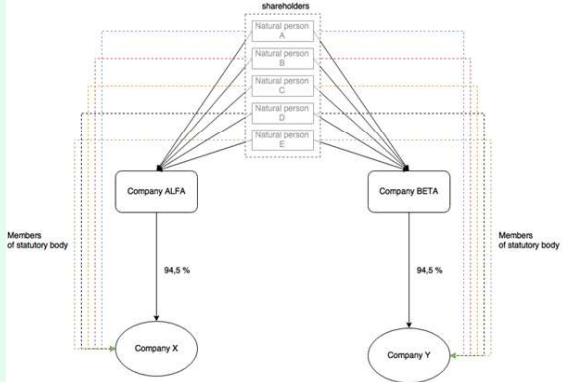


Annex I - Enterprises linked through a natural person

1. **Page title:** Please insert the full Article reference (e.g. "Art. 1(4) a") and a short title (e.g. "Deggendorf principle").
2. **Table:** Fill in **only the green** fields. Please respect the instructions (they are essential to optimise search).
3. **Questions:** Please create 1 question page per question
4. **Creation date:** will be inserted automatically when page is first saved.
5. When ready, click on **Save** at the bottom of the page:
6. Please be aware that you will not more be able to edit the page after the DG COMP has provided the answer.

Save

Article	Annex I
Key words	SME definition; linked enterprises; natural person
Member State	CZ
Question	<p>Description of the situation:</p> <p>Shareholders A-E hold 100 % of shares of companies Alfa and Beta (each shareholder holds 20 % of shares of companies Alfa and Beta). Company Alfa is majority owner of company X and company Beta is majority owner of company Y. Each shareholder (A – E) is also a member of statutory body of companies X and Y. Companies Alfa, Beta, X and Y are not active on the same relevant market or in adjacent markets.</p>  <p>Question:</p> <p>Are companies X and Y considered as linked enterprises (in relation to SME definition)?</p>
Creation Date	2016.04.25
COMP Reply	<p>Article 3 of Annex I of the GBER provides that enterprises can only be linked through a natural person or through a group of natural persons acting jointly if the enterprises are active (at least in part) in the same or in adjacent markets. Since this is not the case in your example, companies X and Y are not considered linked enterprises.</p> <p><i>Disclaimer: This reply does not represent a formal and definite position of the European Commission but is only an informal guidance provided by the services of DG Competition to facilitate the application of the GBER. It is therefore not binding and cannot create legal certainty or legitimate expectations.</i></p>

COMP Reply date	2016.06.16
COMP Responsible	<input checked="" type="checkbox"/> COMPsupport ESTATE-AID-WIKI

¹ Article numbers & names

² AU, BE, BG, HR, CY, CZ, DK, EE, FI, FR, DE, EL, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, RO, SK, SI, ES, SE, UK.