

Covid-19 coronavirus: Global merger review update

Up-to-date as at 10/12/20

Merger review processes are being impacted worldwide as merger control authorities adapt to take account of the consequences of Covid-19. While critical transactions are likely to be reviewed, as far as possible, in accordance with normal practice, many cases may face changes in approach and practice (eg extensions of timelines in certain circumstances). The table below reflects our understanding, as at 10 December 2020, of the effects on the merger review process in numerous jurisdictions around the world. We have applied a red-amber-green 'traffic light' colour-coding background to each jurisdiction to indicate the severity and extent of changes to usual procedures, where red indicates the most significant disruption to or suspension of merger control processes, amber indicates some disruption and changes to normal practice and green indicates, broadly, business as usual.

For more information on the potential impact of Covid-19 on the merger control aspects of your transaction, please speak to your usual A&O antitrust contact.

Jurisdiction/region/antitrust authority	Effect on merger review	Source
Americas		
United States Federal Trade Commission (FTC), Department of Justice (DOJ)	<ul style="list-style-type: none"> – The FTC and DOJ are accepting only electronic submissions of HSR notifications through a temporary e-filing system. – While this temporary system is in place, FTC and DOJ review of filings will continue as normal, and filing parties should receive notification of the waiting period within a day or two. – After the resumption of normal agency operations, all filing parties may have to submit hard copies or DVDs of filings made using the temporary e-filing system to both the FTC and DOJ. 	<ul style="list-style-type: none"> – Changes in Bureau procedure during Covid-19 coronavirus pandemic, FTC (16/03/20) – Premerger Notification Office Implements Temporary e-Filing System, FTC (13/03/20) – Guidance for Filing Parties, FTC (updated 16/03/20)

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	<ul style="list-style-type: none"> – The FTC is conducting a matter-by-matter review of investigations and litigations to consider appropriate modifications of statutory or agreed-to timing. – The DOJ announced its adoption of a series of temporary changes to its civil merger investigation processes, which will remain in place during the pendency of Covid-19. <ul style="list-style-type: none"> – For currently pending or proposed mergers, the DOJ is requesting an additional 30 days to timing agreements in order to complete its review of transactions after the parties have complied with document requests. If circumstances require, the DOJ may revisit its timing agreements with parties in light of further developments. – All scheduled depositions will temporarily be postponed and rescheduled at a later date using secure videoconferencing. – The DOJ is being "cautious" about how Covid-19 may affect merger timing agreements and statutes of limitations in enforcement matters. – The FTC and DOJ resumed the practice of granting early termination (ET) of the HSR waiting period on 30 March 2020. There are some changes, however, from the ordinary process: <ul style="list-style-type: none"> – Parties should not reach out to request ET. – ET will be available on a more limited basis for the duration of the Covid-19 crisis. It will be granted in fewer cases and more slowly than under normal circumstances. – The FTC and DOJ emphasise that neither legal standards nor investigational standards have been relaxed in light of the pandemic, and if competitive concerns cannot be resolved during the initial waiting period, a second request will be issued to investigate those concerns. 	<ul style="list-style-type: none"> – Justice Department Announces Antitrust Civil Process Changes for Pendency of Covid-19 Event, DOJ (17/03/20) – DOJ being 'cautious' of coronavirus impact on merger timing agreements, statutes of limitation, reported by Mlex (16/03/20) – Resuming early termination of HSR reviews, FTC (27/03/20) – FTC to Resume Processing HSR Early Termination on March 30, FTC (27/03/2020) – Electronic merger filings expected to continue in the US after pandemic, senior FTC official says, reported by Mlex (20/04/20) – US FTC likely to see rise in failing firm defense, official says – ABA Spring Meeting, reported by PaRR (28/04/20) – Lawmakers push for moratorium on unnecessary corporate mergers in Covid-19 relief package, reported by Mlex (05/05/20) – FTC's Chopra pushes for merger moratorium, citing effects of 'unchecked consolidation', reported by Mlex (05/05/20)

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	<ul style="list-style-type: none"> – The resumption of ET is being implemented based on the best information currently available to the U.S. antitrust agencies, and may be modified or rescinded at any time in light of changes. – A senior FTC official has indicated that the electronic system for merger filings put in place in the U.S. during the pandemic is expected to remain, with improvements, after the crisis. – FTC Commissioner Slaughter has stated that the FTC received a number of not "particularly persuasive" failing firm merger defences prior to the Covid-19 crisis and expects to receive more amid the crisis. The agency has not relaxed its standards or expectations when conducting merger reviews, and will not change its willingness to fully vet the firm alleging a failing firm defence. The FTC has also released a blog post to this effect. FTC Director Ian Conner has confirmed that the agency will not accept arguments that fall short of the defence (eg that the target is a weakened competitor). The FTC is also giving increased scrutiny to the financial state of potential divestiture buyers due to concerns with financing and viability that directly result from the Covid-19 crisis. – A number of recent statements, initially from members of Congress but now endorsed by Democratic FTC Commissioners Rohit Chopra and Rebecca Kelly Slaughter, have addressed the possibility of a merger moratorium under which no mergers above a certain size would be allowed to proceed. At this point, we believe this moratorium is unlikely to proceed, but we continue to monitor the situation. – Due to circumstances surrounding the Covid-19 pandemic, the waiting period for Pfizer and Mylan's merger notification was further extended by the parties and FTC on 28 April 2020. – FTC Commissioner Wilson has urged the FTC to publish guidance on the agency's approach to evaluating efficiencies claims by merging parties that sets a "gold-standard" analytical approach to resolve 	<ul style="list-style-type: none"> – On "Failing" Firms – and Miraculous Recoveries, FTC (27/05/20) – Pfizer, Mylan, FTC extended waiting period following certification because of Covid-19, reported by Mlex (12/06/20) – FTC Commissioner Wilson calls for guidance on evaluation of efficiencies, reported by PaRR (24/06/20) – Healthcare deal antitrust reviews expected to take longer at US FTC due to Covid-19, senior official says, reported by Mlex (01/07/20) – US FTC is receptive to failing firm defence during Covid-19, but won't stop fully vetting, senior official says, reported by Mlex (01/07/20) – AMC Allowed to Buy Back Theaters From Failing Rival, reported by Law360 (31/08/20) – FTC Commissioner argues conditions are right for a merger moratorium – ABA Fall Forum 2020, reported by PaRR (12/11/20) – US antitrust authorities received 424 premerger filings in November, the most since 2001, reported by Mlex (07/12/20)

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	<p>uncertainty in merger analysis as to the evaluation of parties' claimed efficiencies.</p> <ul style="list-style-type: none"> – FTC Director Conner has stated that review of healthcare deals is expected to take longer during the pandemic, as the FTC relies heavily on speaking to third parties who are currently focused on the pandemic response. The FTC will determine whether to ask for additional time in timing agreements on a case-by-case basis. – On 31 August 2020, a D.C. federal judge allowed AMC to repurchase ten movie theatres it divested as part of commitments agreed in 2016 with the DOJ for clearance of its Carmike Cinemas acquisition after the pandemic forced the divestiture buyer, New Vision, into liquidation. The cinemas have been abandoned during the pandemic and AMC remains financially liable for New Vision's defaults. This order was issued one day after AMC filed its unopposed motion seeking to modify the settlement agreement. The reacquisitions will be subject to government approval. – The number of premerger filings is growing despite a spike in Covid-19 across the US: the FTC and DOJ received 424 filings in November 2020, the most since November 2001 in the aftermath of the World Trade Center attack and representing a 67% increase from the 254 filings made in November 2019. 	
<p>Argentina National Commission for the Defence of Competition (CNDC)</p>	<ul style="list-style-type: none"> – The CNDC has announced that procedural deadlines are suspended in all pending proceedings until 11 October 2020. – Government assistance in antitrust matters will be provided with minimum personnel for urgent matters. 	<ul style="list-style-type: none"> – Resolution No. 98/2020, CNDC (18/03/20) – Statement, CNDC – CNDC website – <i>Argentina's antitrust enforcement in stasis due to administrative lockdown, deadline suspensions</i>, reported by PaRR (03/07/20)

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	<ul style="list-style-type: none"> – The CNDC will only accept "urgent" submissions from Monday to Friday, from 9.30am to 1.30pm. The submission must be sent via email with the subject line "Presentación urgente". The CNDC will then send a reply email verifying the date and time of receipt with a cover page and file number. – Despite the administrative lockdown, the CNDC is prioritising merger control over antitrust enforcement. A source from the authority has stated that the agency is requesting information from parties to sizeable mergers and while some parties have responded, others have not. 	<ul style="list-style-type: none"> – Perez Alati, Grondona, Benites & Arntsen (local counsel)
<p>Brazil Administrative Council for Economic Defense (CADE)</p>	<ul style="list-style-type: none"> – There are no current changes to the normal merger control process in Brazil. CADE's President reported that there has been no decrease in the agency's productivity during the pandemic. CADE is continuing to run its proceedings and issue decisions, opinions, and technical notes. There are no changes in legal deadlines relating to merger reviews, including deadlines for gun-jumping proceedings. CADE has requested contact by telephone or videoconference to avoid in-person meetings. – However, local counsel have advised that the risk of delay in certain cases cannot be ruled out, especially cases where information gathering and evidence collection is dependent on third parties. – CADE deputy superintendents are now able to ask companies to amend merger notifications and to determine whether deals filed on the fast track should instead be reviewed under full-form procedures. They also have the power to postpone negotiation of settlement agreements and preliminary probe decisions. Ordinarily, only the Superintendent was authorised to take such actions. 	<ul style="list-style-type: none"> – <i>Notice</i>, in Portuguese, CADE (25/03/20) – <i>CADE deputy superintendents given more power to evaluate merger, conduct cases</i>, reported by Mlex (30/03/20) – <i>Projeto de Lei n° 1179, de 2020</i>, in Portuguese – <i>Traditional merger review preserved in Brazil during pandemic, CADE's top investigator says</i>, reported by Mlex (18/05/20) – <i>CADE productivity in merger reviews not reduced by pandemic in first five months of 2020, agency president says</i>, reported by Mlex (01/06/20) – <i>CADE president expects mergers in Brazil to pick up in 2021</i>, reported by PaRR (10/06/20)

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	<ul style="list-style-type: none"> – CADE’s commissioner Paula Azevedo has urged companies to reach out to the agency if they require “exceptionally fast” approval for a transaction due to circumstances brought about by the pandemic. Also, during the pandemic, CADE may grant a “precarious authorization” request for advance payment on a merger. However, Azevedo cautions that even under exceptional situations, gun-jumping is not justified. – On 10 June 2020, the Brazilian President enacted a law which establishes that associative agreements, consortia, or joint ventures that are “necessary to the combat or mitigate the consequences of the pandemic” in effect between 20 March and 20 October 2020, or through the duration of the emergency situation, will not be subject to pre-merger control. This suspension would not preclude CADE from subsequently reviewing or investigating anti-competitive conduct pertaining to mergers unrelated to combating or mitigating the pandemic within one year of closing. However, CADE’s officials are encouraging parties to notify their deals in any event. – In terms of substantive assessment, CADE officials have repeatedly stated that the authority will not loosen its merger review rules during the crisis. – Failing firm claims by merging parties are expected to rise, although CADE’s President has noted that to date no such claims have been made. CADE may be sensitive to failing firm arguments but will not allow the crisis to be used as an excuse for opportunism. In any event, according to the President the bar to approve a deal on the basis of the defence is very high, meaning such approval is unlikely, although not impossible. – A senior official at CADE has highlighted the suitability of behavioural over structural remedies to address competition concerns during the pandemic as they are more flexible and may be adjusted in accordance with market changes. 	<ul style="list-style-type: none"> – <i>Companies should notify CADE of deals regardless of bill exempting them from prior approval, agency councilor says</i>, reported by Mlex (10/06/20) – <i>CADE commissioner urges companies to reach out to agency amid pandemic</i>, reported by PaRR (23/06/20) – <i>Gun-jumping ‘absolutely’ unacceptable to CADE, even during pandemic, councilor Azevedo says</i>, reported by Mlex (23/06/20) – <i>Brazil’s competition authority won’t loosen merger rules during Covid-19 crisis, agency president says</i>, reported by Mlex (29/06/20) – <i>CADE officials expect increase in acquisitions in Brazil due to impacts of Covid-19 crisis</i>, reported by Mlex (02/07/20) – <i>Notice</i>, in Portuguese, CADE (21/07/20); also reported by Mlex and PaRR – <i>Average time for Brazil merger reviews at CADE Superintendence has increased in 2020</i>, reported by Mlex (13/11/20) – Mattos Filho (local counsel)

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	<ul style="list-style-type: none"> – CADE is intent on preventing an increase in oligopolies post-crisis, especially in light of the number of highly concentrated sectors in Brazil (eg financial, air passenger transport, steel production, and fuel distribution). CADE expects the number of transactions to increase during the second half of 2020 due to various reasons including companies struggling with their finances and disruption to market dynamics. – CADE Superintendent Alexandre Cordeiro attributes an increase in the Authority's review time for transactions to Covid-19. The average for full-form deals was 95.4 days in 2020 compared to 78 in 2019, and the average for fast-track deals was 17.4 days in 2020 compared to 16.8 in 2019. 	<ul style="list-style-type: none"> – Tozzini Freire (local counsel) – Lefosse (local counsel)
<p>Canada Canadian Competition Bureau (CCB)</p>	<ul style="list-style-type: none"> – The CCB may only be contacted via email and through the online form on its website. Telephone services are unavailable until further notice. – The CCB is replacing hard copy letters with an email from the signatory for documents such as Advance Ruling Certificates, No Action Letters, and Written Opinions. – It is increasingly difficult for CCB staff to make market contacts in a timely manner, which may have implications especially for complex matters which require narrowing issues in the first 30 days of merger review. Parties may also experience challenges in delivering productions and information to the CCB during this period. As such, the CCB encourages merging parties to contact case teams and management in the Mergers Directorate as early as possible on complex matters and throughout the conduct of a review. 	<ul style="list-style-type: none"> – Service interruption alert, CCB website – Letter from the Commissioner to the Canadian Bar Association regarding impacts of the Covid-19 pandemic, CCB (18/03/20) – ‘Failing firm’ merger review standards won’t be easy amid pandemic, Canadian official says, reported by Mlex (20/10/20) – Supporting competition on the road to economic recovery, CCB (21/10/2020)

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	<ul style="list-style-type: none"> – The CCB will prioritise certain matters (eg consumer protection issues) to maximise its resources, which may have implications on its ability to address other ongoing matters including merger review. Where the CCB foresees delays in a matter, its staff will make efforts to communicate realistic timelines based upon the prevailing conditions. The CCB will also strive to provide Written Opinions on time, although it acknowledges this may not always be possible. – Investigations that may involve in-person meetings (eg interviews with immunity or leniency applicant witnesses, meetings with complainants, and plea or other settlement negotiations) may suffer delays. – Senior CCB officials have predicted that the Bureau may experience a rise in failing firm transactions in the months ahead, but state that the authority will maintain its normal rigour and analytical framework whilst being mindful of timing. They advise parties to contact the CCB early and provide a full and robust submission that provides the evidence, data and information the Bureau requires to perform its work quickly. 	
<p>Chile Fiscalía Nacional Económica (FNE), Tribunal de Defensa de la Libre Competencia (TDLC)</p>	<ul style="list-style-type: none"> – Standard review of mergers will continue during the Covid-19 pandemic. – The FNE asks companies to notify urgent deals only. Given current circumstances, it could be difficult for the FNE to complete a Phase I investigation. – Resolution N° 188 describes adjusted procedures for merger filings, the process for requesting exemptions to file accompanying documents in a language other than Spanish, and the process of responding to requests for information from the FNE. – Merger notifications may be made in physical or digital form. Physical copies are to be submitted to the FNE's office between 9.30am and 1.30pm. Digital forms are to be sent via email. These rules also apply to notification addenda, responses, and mitigation proposals. The FNE prefers contact by email, telephone or post. 	<ul style="list-style-type: none"> – Press Release, in Spanish, FNE (26/03/20) – Resolución Exenta N° 188, in Spanish – <i>Deals to strengthen supply in mid of Covid-19 can be closed before Chilean antitrust approval</i>, reported by Mlex (08/04/20) – <i>Chile's new merger guidelines to include a chapter on digital markets</i>, official says, reported by PaRR (11/05/20)

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	<ul style="list-style-type: none"> – The FNE's pre-notification consultations will be carried out via email. The head of the FNE mergers division has stated that the FNE has continued reviewing mergers during the Covid-19 pandemic by working mainly through teleconference systems, receiving all documents from companies in digital form, and taking declarations of parties by phone. The FNE has been reviewing the most simple notifications as quickly as possible, on average within 28 days for phase 1 reviews. – Chile's competition tribunal, the TDLC, has determined that deals aimed at strengthening supply during the country's public state of catastrophe can be closed before receiving approval. This measure will be taken only during the state of catastrophe. – The FNE is planning to update its Horizontal Merger Guidelines to add guidance on the failing firm defence. – The FNE has approved Copec's proposed acquisition of a gas station under the failing firm defence, in part due to the Covid-19 pandemic. 	<ul style="list-style-type: none"> – <i>Standard review of deals will continue during pandemic, FNE head Riesco says</i>, reported by Mlex (27/05/20) – Press Release, in Spanish, FNE (08/06/20); also reported by PaRR – Estudio Lewin (local counsel)
Colombia Superintendence of Industry and Commerce (SIC)	<ul style="list-style-type: none"> – The SIC has temporarily suspended its merger reviews due to the Covid-19 crisis. SIC will resume its activities when Colombia is no longer under a state of catastrophe. – All correspondence with the SIC is to be done electronically. 	<ul style="list-style-type: none"> – Press Release, in Spanish, SIC
Ecuador Superintendency for the Control of Market Power (SCPM)	<ul style="list-style-type: none"> – The Ecuadorian Government has approved the SCPM's resolution to implement a two-phase merger review system. Under this procedure, the SCPM will be able to clear non-problematic deals in phase 1 without the issuance of an in-depth analysis. The authority will have 25 working days from notification of a deal to decide whether it qualifies for fast-track approval. The fast-track system is available to deals between companies that have a combined share of less than 30% or transactions with a credible failing firm defence. 	<ul style="list-style-type: none"> – Release No. 006, in Spanish, SCPM (21/04/20); also reported by PaRR – Ecuador adopts two-phase merger review process, reported by GCR (20/11/20)

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	<ul style="list-style-type: none"> – Under the fast-track notification procedure, a deal can be cleared within 40 days: once the SCPM has decided the deal is eligible for fast-track review, the authority has 15 days to send its findings to its decision-making arm, which has 25 days to issue a final decision. – If a deal does not qualify for fast-track approval, a phase 2 probe will be launched, which gives the SCPM 60 days to engage in an in-depth review. This review can be extended by an additional 60 days if necessary. – Filing deadlines have been suspended by the SCPM until the end of Ecuador's state of emergency, unless: <ul style="list-style-type: none"> – the SCPM has sufficient information on the affected markets for 2018 and/or 2019; – the SPCM has informed the parties that it is resuming inquiries; or – the new simplified “fast-track” merger review procedure is being used. – Mergers should be electronically filed with the SCPM by email. 	
El Salvador Competition Superintendent's Office (SC)	<ul style="list-style-type: none"> – The SC has suspended all terms and deadlines for its proceedings until 14 April 2020. This suspension period may be extended by the local government. 	<ul style="list-style-type: none"> – Press Release, in Spanish, SC (25/03/20)
Mexico Federal Economic Competition Commission (COFECE)	<ul style="list-style-type: none"> – COFECE has confirmed that merger deadlines are not impacted by the Covid-19 pandemic. – It has announced that it will expedite its antitrust review for proposed transactions intended to create synergies and/or increase manufacturing capabilities necessary to combat the coronavirus outbreak. 	<ul style="list-style-type: none"> – Press Release, in Spanish, COFECE (19/03/20) – Press Release, in Spanish, COFECE (27/03/20) – <i>Rules for antitrust investigations, merger reviews through electronic means published in Mexico</i>, reported by Mlex (25/06/20)

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	<ul style="list-style-type: none"> – COFECE has issued provisions on the use of electronic means in relation to merger control (and antitrust) procedures. COFECE will implement an Electronic Filing Office, which can be accessed through a username and password or with the Advanced Electronic Signature provided by the Tax Administration Office. The Office began operation on 24 August 2020. – Chair of COFECE remarks that Mexico looks set for an increase in tech-driven M&A amid the economic fallout of Covid-19. Cofece expects to apply greater scrutiny in cases involving e-commerce and delivery services. The authority also expects to see failing firm cases emerge (to date, it has never dealt with failing firm arguments). 	<ul style="list-style-type: none"> – <i>Tech M&A wave to further test Mexico's competition authorities in post-COVID economy, COFECE head says</i>, reported by PaRR (16/09/20)
<p>Peru National Institute for the Defense of Free Competition and the Protection of Intellectual Property (Indecopi)</p>	<ul style="list-style-type: none"> – As of 17 June 2020, Indecopi has resumed its in-office activities. – The mandatory premerger notification regime has been delayed from entering force until 1 March 2021 due to Covid-19. 	<ul style="list-style-type: none"> – <i>Notice</i>, in Spanish, INDECOPI (16/06/20); also reported by Mlex
Europe		
<p>European Union European Commission (EC)</p>	<ul style="list-style-type: none"> – The EC notes that it has put in place a number of measures to ensure business continuity and has continued to ensure the implementation of the EU Merger Regulation. – It faces difficulties in some cases in collecting information from parties and third parties given the disturbances caused by Covid-19. – The EC encourages parties to discuss the timing of notifications with the relevant case team and encourages filings to be made electronically. 	<ul style="list-style-type: none"> – <i>Special measures due to Coronavirus / Covid-19: Update as of 7th April 2020</i>, EC (07/04/20) – <i>Failing firms won't get more EU leeway to plead for mergers, Vestager says</i>, reported by Mlex (24/04/20) – <i>EC hits stop-the-clock because parties cannot access physical documents – ABA Spring Meeting</i>, reported by PaRR (28/04/20)

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	<ul style="list-style-type: none"> – While it no longer explicitly states on its website that it encourages parties to delay filings where possible, this is nevertheless implied: the EC notes that it “stands ready to deal with cases where firms can show very compelling reasons to proceed with a merger notification without delay”. – Director-General Oliver Guersent has stated that the EC has suspended deadlines in advanced merger probes because notifying parties have had trouble supplying internal documents that are not available online. The EC has seen an increase in the number of stop-the-clocks because of difficulties faced by notifying parties in answering detailed requests for information due to the lockdown conditions. – In terms of substance, EU Commissioner Margrethe Vestager has stated that there is no need to relax the normal merger control rules, despite the uncertain times. The EC will not be softening its approach to the failing firm defence. – Some staff began working from the EC's physical offices as of 4 May, but most staff will continue to telework for the foreseeable future. – In a speech at the annual Fordham Conference on 8 October 2020, EC Commissioner Vestager stated that the authority has seen a temporary reduction in notifications, although the decline has been small. There have been delays in responses to questions, but merger enforcement has not stopped. She expects to see consolidations as the industry reorganises itself coming out of the crisis. 	<ul style="list-style-type: none"> – Speech at the Fordham Competition Conference, EC (08/10/20)
<p>Austria Austrian Federal Competition Authority (AFCA)</p>	<ul style="list-style-type: none"> – The AFCA has launched an electronic merger notification system. Notifications may be submitted electronically and during the AFCA's office hours. Notifications submitted outside the AFCA's working hours will be considered as having been submitted on the following working day. 	<ul style="list-style-type: none"> – Coronavirus (Covid-19) – Measures taken by the Austrian Federal Competition Authority, AFCA (12/03/20)

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	<ul style="list-style-type: none"> – The AFCA's physical office and switchboard has been manned again from 18 May 2020. The AFCA has cancelled all meetings, hearings, and schedules unless they can be conducted remotely and requests electronic communication. – The AFCA has shown a willingness to modify previously decided merger commitments. <ul style="list-style-type: none"> – On 26 March 2020, the AFCA approved a request by media firms ProSiebenSat.1Puls 4 and ATV to modify merger conditions imposed two years ago in light of the Covid-19 pandemic. The AFCA altered the parties' commitments to address difficulties in news production due to the Covid-19 situation, but limited the change up until 30 April 2020 or until the government-imposed lockdown is lifted (whichever is first), restricted to situations that are necessary in order to maintain newsroom operations. – On 4 May 2020, the AFCA approved ProSiebenSat.1Puls 4's request to extend the application of the modified remedies until 30 June 2020 due to the Covid-19 pandemic. – The AFCA has published a position paper on merger control in the context of the Covid-19 crisis, stating that it will not relax the rules and will not allow acquisitions of financially distressed companies that would not have been accepted at a different time. The paper notes that state aid would be a better solution to rescue financially ailing companies as the structure of the market would not suffer impairment as a result. 	<ul style="list-style-type: none"> – Coronavirus (Covid-19) – Measures taken by the Austrian Federal Competition Authority, AFCA (12/03/20) – Corona (Covid-19) Update Further measures by the Austrian Federal Competition Authority, AFCA (16/03/20) – Corona (Covid-19) Submission of electronic merger notifications is now possible, AFCA (23/03/20) – ProSiebenSat.1Puls 4/ATV merger commitments relating to "News and information" restricted until 30 April 2020 owing to coronavirus (Covid-19), in German, AFCA (26/03/20) – Austrian competition watchdog issues update on working restrictions during Covid-19 crisis, reported by Mlex (02/04/20) – Coronavirus (Covid-19): current operations in the AFCA, Update 30.4.2020, AFCA (30/04/20) – Release, in German, AFCA (04/05/20); also reported by PaRR – Release, in German, AFCA (14/05/20)

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		<ul style="list-style-type: none"> – <i>AFCA publishes position paper on the Macroeconomic Effects of Mergers in the Context of the COVID-19 Crisis - "Shutdown Mergers"</i>, AFCA (16/07/20)
Belgium Belgian Competition Authority (BCA)	<ul style="list-style-type: none"> – The BCA's offices are closed until further notice. All staff workers are teleworking and case handling will continue. However, the BCA has advised that current containment measures may impact its ability to handle merger cases with its usual diligence; in particular, gathering information from parties and third parties will be difficult, resulting in potential delays. – The BCA encourages parties to delay any merger that is not urgent. 	<ul style="list-style-type: none"> – <i>Covid-19 measures</i>, BCA (19/03/20)
Channel Islands (Guernsey, Jersey) Guernsey Competition & Regulatory Authority (GCRA) and Jersey Competition Regulatory Authority (JCRA); previously Channel Islands Competition & Regulatory Authorities (CICRA)	<ul style="list-style-type: none"> – Prior to its separation into the JCRA and GCRA, CICRA announced that it would be more flexible in its approach and sensitive to the demands placed on businesses during the pandemic. Parties directly affected by changes in CICRA's approach would be contacted and informed if consultations are suspended or deadlines extended. The JCRA and GCRA have retained this announcement on their separate websites. 	<ul style="list-style-type: none"> – <i>Media Release</i>, GCRA (06/04/20) – <i>Media Release</i>, JCRA (06/04/20) – <i>Statement from CICRA on enforcement of competition law during the coronavirus pandemic</i>, originally released by CICRA (06/04/20)
Czech Republic Office for the Protection of Competition (CCA)	<ul style="list-style-type: none"> – The CCA has closed its office to the public and now restricts communication to email or post. – The CCA continues to receive filings and statutory time periods remain unaffected. – Access to files is available electronically only. 	<ul style="list-style-type: none"> – <i>Press Release</i>, CCA (15/05/20) – <i>Declaration of State of Emergency</i> (12/03/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
Denmark Danish Competition and Consumer Authority (DCCA)	<ul style="list-style-type: none"> – The Danish Government had extended the suspension period for merger control and review until 17 August 2020. Deadlines are running as usual once again. – The DCCA encourages companies wishing to merge to contact it well in advance. It will work to ensure that the normal deadlines are met as far as possible. 	<ul style="list-style-type: none"> – Time limits for merger control are suspended for 14 days, DCCA (18/03/20) – Statement, in Danish, DCCA (30/03/20) – Press Release, in Danish, DCCA (15/04/20) – Announcement, in Danish, DCCA (18/05/20); also reported by PaRR – Press Release, in Danish, DCCA (09/06/20); also reported by PaRR
Finland Finnish Competition and Consumer Authority (FCCA)	<ul style="list-style-type: none"> – Businesses planning to submit a Finnish merger notification are to contact the FCCA's merger unit as soon as possible. – The FCCA has requested that notifications of new transactions that need to be agreed in advance and submitted electronically be postponed where possible. – The Finnish Market Court previously approved a one-month deadline extension for mergers under in-depth review (phase II). This deadline applied retroactively to deals notified to the FCCA after 2 July 2020. The measures were in force until 31 October 2020. – Finland's Market Court extended the review deadline for Loomis' takeover of Automatia Pankkiautomaatit from the original 21 August deadline until 23 September as the FCCA's investigation was hampered by the pandemic. This merger now has conditional approval. 	<ul style="list-style-type: none"> – Official Statement, in Finnish, FCCA (16/03/20); also reported by Mlex – Announcement, in Finnish, FCCA (14/05/20); also reported by PaRR – HE 99/2020, Parliament of Finland; also reported by Lexology – Press Release, in Finnish, FCCA (08/07/20); also reported by Mlex – Press Release, in Finnish, FCCA (14/08/20); also reported by PaRR – Press Release, in Finnish, FCCA (14/10/20)
France French Competition Authority (FCA)	<ul style="list-style-type: none"> – The FCA had suspended legal deadlines for merger review as of 12 March 2020. However, deadlines have begun to run again from 24 June 2020. 	<ul style="list-style-type: none"> – Adaptation des procédures de contrôle des concentrations en raison du Coronavirus Covid-19, FCA (17/03/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – The FCA will continue to make every effort, wherever possible, to issue decisions in advance. The FCA has tried, wherever possible, to keep to the very short time limits usually practised. The average time to clear a merger between 18 March and 18 May 2020 was 22 working days. – Paper filings are no longer accepted; submissions are to be made in electronic format only. 	<ul style="list-style-type: none"> – <i>Announcement by Isabelle de Silva, President of FCA</i>, via Twitter (16/03/20) – <i>Adaptation of the time limits and procedures of the Autorité de la concurrence in times of health emergency</i>, FCA (27/03/20) – <i>Press Release</i>, in French, FCA (18/05/20); also reported by Mlex
<p>Germany Federal Cartel Office (FCO)</p>	<ul style="list-style-type: none"> – The FCO remains open for contact as usual by email, phone, fax, or physical mail. While in-person visits are not possible, the FCO can arrange telephone conferences as necessary. – The FCO will make case-to-case decisions about whether hearings of the federal procurement tribunals will take place. – While the FCO remains operational for the time being, it requests that filing parties and their representatives consider whether a project has to be submitted to the FCO right away or whether it could be submitted at a later date. – The Federal Parliament of Germany has approved temporary changes to the competition act aimed at mitigating the effects of the Covid-19 pandemic. Deadlines in merger control proceedings will be extended for transactions notified from 1 March until 31 May 2020, as follows: <ul style="list-style-type: none"> – the one-month deadline in Phase I will be extended from one to two months; and – the four-month deadline in Phase II will be extended from four to six months (the rules on possible further extensions of Phase II proceedings, eg extensions agreed by the parties, remain unaffected). 	<ul style="list-style-type: none"> – <i>Communication with the Bundeskartellamt (Coronavirus measures)</i>, FCO (17/03/20) – <i>German parliamentary committee backs merger review changes due to Covid-19</i>, reported by PaRR (14/05/20) – <i>Statement</i>, in German, FCO (28/05/20); also reported by Mlex – A&O Hamburg

Jurisdiction/region/antitrust authority	Effect on merger review	Source
<p>Greece Hellenic Competition Commission (HCC)</p>	<ul style="list-style-type: none"> – The HCC will reduce its opening hours from 19 March to 30 April 2020. Merger notifications can only be submitted via email. Communications may be made by telephone or video conference. Statutory review periods, however, continue to apply. 	<ul style="list-style-type: none"> – Subject: Teleworking and adjustment of open hours for the public, HCC (13/03/20) – Press Release, in Greek, HCC, (23/03/20)
<p>Hungary Hungarian Competition Authority (HCA)</p>	<ul style="list-style-type: none"> – The HCA continues to receive filings. However, its office is closed to the public. Parties may contact the HCA via post, email, or through the central electronic portal. – It is not necessary to notify the HCA of concentrations that: <ul style="list-style-type: none"> – involve a directly or indirectly majority state-owned venture capital fund or private equity fund; – involve a financing transaction that was necessary due to the Covid-19 pandemic; – were implemented through the capital programme established for this purpose; – as a result of the concentration, the directly or indirectly majority state-owned venture capital fund or private equity fund acquires sole or joint control; and – the control is acquired for investment protection purposes. – Currently, deadlines remain unaffected by the procedural changes. – For merger control notifications: <ul style="list-style-type: none"> – The HCA has requested that parties consider postponing their merger filings, and take into account that the HCA may encounter difficulties collecting information from third parties. – The HCA has requested that all filings be made electronically and also sent to the HCA via email. 	<ul style="list-style-type: none"> – Information on the operation of the Hungarian Competition Authority due to the situation of the pandemic, HCA (19/03/20) – Government Decree no. 137/2020. (IV. 20.), in Hungarian (20/04/20) – Direct response from the HCA to inquiry by A&O Hungary (18/03/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – In relation to pre-notification, parties may contact the HCA via the mobile number of the head of the HCA's Merger Unit. 	
Iceland Icelandic Competition Authority (ICA)	<ul style="list-style-type: none"> – The ICA has advised that it will be flexible with regard to procedural timing in merger investigations and will try its best to expedite investigations. However, it also warns that it is not likely to be any more lenient than usual on substance. – As of 22 March 2020, the ICA requests that parties delay merger notifications for three weeks. – Parties are encouraged to contact the ICA via email and submit documents electronically. 	<ul style="list-style-type: none"> – Covid-19: Application of competition rules and competition enforcement in crisis, ICA (22/03/20); also reported by PaRR
Ireland Competition and Consumer Protection Commission (CCPC)	<ul style="list-style-type: none"> – The CCPC encourages notifying parties to delay filing planned merger notifications until further notice, as effective collection of information from various parties during merger review is likely to be difficult. – The CCPC is accepting merger and acquisition notifications in digital format only as of 18 March 2020. Parties should submit notification forms and all required supporting documents by email, before 4.30pm from Monday to Friday, with telephone contact beforehand. – If parties intend to submit a notification or have difficulty submitting a digital notification, they should first either contact the Director of Competition Enforcement and Mergers by phone or email the mergers team. 	<ul style="list-style-type: none"> – Covid-19 CCPC Operations, CCPC (updated 18/03/20) – Covid-19 Temporary Merger Notification Process, CCPC (18/03/20)
Italy Italian Antitrust Authority (IAA)	<ul style="list-style-type: none"> – The suspension of time limits pursuant to Decree No. 23/2020 has expired, and the usual timeframes apply. 	<ul style="list-style-type: none"> – Art. 37, Law Decree No. 23/2020 – Notice, in Italian, IAA (10/04/20) – A&O Milan

Jurisdiction/region/antitrust authority	Effect on merger review	Source
Lithuania Competition Council (KT)	<ul style="list-style-type: none"> – The KT has announced that, due to companies suspending business operations during Covid-19, it is having difficulty gathering information from parties and warns that it may take longer than usual to carry out its activities, especially merger control. – Some companies have already reported inability to provide information due to the lockdown and asked to postpone deadlines until the quarantine ends. The KT responds that its ability to postpone deadlines is limited by law, especially with regard to merger control procedures. – The KT warns companies planning to notify their concentrations to carefully evaluate whether they will be able to ensure their proper involvement in the merger examination process. The KT remains ready to deal with cases in which companies are not able to postpone filing, but asks businesses to pay considerable attention to any difficulties that may arise, especially in situations which may lead to an in-depth review and require additional resources. 	<ul style="list-style-type: none"> – Examination of mergers may last longer, KT (14/04/20)
Moldova Competition Council (CC)	<ul style="list-style-type: none"> – The CC has suspended all legally-prescribed deadlines for antitrust cases during the coronavirus pandemic, though Moldova lifted its state of emergency on 15 May 2020. – The CC has warned companies against failing to report mergers during the outbreak. 	<ul style="list-style-type: none"> – Press Release, CC, in Romanian (20/03/20); also reported by PaRR – Press Release, CC, in Romanian (23/03/20); also reported by PaRR
Netherlands Authority for Consumers and Markets (ACM)	<ul style="list-style-type: none"> – The ACM is attempting to proceed with business as usual, and can be reached by phone and email during regular office hours. Delays in communication are anticipated. – The ACM has resumed in-person hearings, investigations, interviews, and other proceedings, as staff are returning to the office. – The ACM requests that parties give notice well in advance if they anticipate a notification. Delays in reviews will be unavoidable. 	<ul style="list-style-type: none"> – ACM's oversight during the Coronavirus crisis, ACM (18/03/20) – A&O Netherlands' call with ACM – Cooperation deals among Netherlands competitors must be 'strictly' necessary, Snoop says, reported by Mlex (18/05/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – The ACM's chairman has stated that merger notifications have "strongly declined" and that the agency has had more difficulty gathering information from third parties. He expects notifying companies to raise failing firm defences in the coming months and has seen a "slight change" in how the ACM designs remedies, citing a case where the ACM granted the parties a six-month deadline extension to divest their assets. 	<ul style="list-style-type: none"> – Announcement, in Dutch, ACM (12/06/20); also reported by PaRR
<p>Norway Norwegian Competition Authority (NCA), Norwegian Competition Tribunal (NCT)</p>	<ul style="list-style-type: none"> – The Norwegian Parliament has adopted a temporary law, effective immediately and applicable until 31 October 2020, which extends merger review deadlines. – These extensions apply both to mergers the NCA is currently examining, as well as to future deals to be notified during the period under which the temporary act is in force. – Appeals before the NCT have also been extended. – Meetings are to be conducted by telephone or videoconference. 	<ul style="list-style-type: none"> – New temporary law extends deadlines for merger control, NCA (17/04/20)
<p>Poland Polish Competition Authority (PCA)</p>	<ul style="list-style-type: none"> – Time limits in administrative proceedings had been suspended under the Anti-Crisis Shield legislation until 23 May 2020. – For the time being, the majority of case handlers are working remotely. We therefore expect that the PCA may seek to extend statutory deadlines in more complex merger cases. – The PCA can be contacted as usual by email, phone, fax or regular mail. However, in-person visits are not available. – The PCA currently accepts paper submissions in person, but it expects and strongly encourages parties to submit submissions electronically or by regular mail. 	<ul style="list-style-type: none"> – Anti-Crisis Shield legislation enacted 31/03/20 – No official communication – A&O conversations with the PCA (19/03/20; 01/04/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
Portugal Portuguese Competition Authority (AdC)	<ul style="list-style-type: none"> AdC has announced that merger notifications and all other documents related to M&A deals can now be filed online. 	<ul style="list-style-type: none"> <i>Portugal's M&A notifications to be filed online due to Covid-19 crisis, watchdog says</i>, reported by Mlex (24/03/20)
Romania Competition Council (CC)	<ul style="list-style-type: none"> The Chairman of the CC noted that the agency had no delays in carrying out merger reviews during the pandemic. 	<ul style="list-style-type: none"> <i>Romanian agency to open new probes after lifting Covid-19 state of alert</i>, reported by PaRR (15/06/20)
Russia Federal Antimonopoly Service (FAS)	<ul style="list-style-type: none"> The head of the FAS has stated that the FAS has simplified its procedures for reviewing mergers during the pandemic. 	<ul style="list-style-type: none"> <i>FAS boss calls for global cooperation in response to the coronavirus</i>, reported by GCR (21/04/20)
Serbia Commission for Protection of Competition (CPC)	<ul style="list-style-type: none"> The Serbian Government ended its state of emergency and the CPC has accordingly lifted the suspension of deadlines in administrative proceedings. Deadlines for administrative procedures such as merger decisions or assessing remedies which expired during the emergency period from 24 March to 6 May will be deemed as expiring after 30 days. Parties that fail to honour the deadlines by 5 June 2020 may be liable for the consequences of improper performance and failure to act within the deadlines. 	<ul style="list-style-type: none"> <i>Notification on Deadlines During the State of Emergency</i>, CPC (28/03/20) <i>Communications on the Termination of Application of Deadlines Under the Regulation on the Application of Deadlines in Administrative Proceedings During the State of Emergency</i>, CPC (08/05/20)
Spain Spanish National Markets and Competition Commission (CNMC)	<ul style="list-style-type: none"> All administrative deadlines in Spain were suspended pursuant to a Royal Decree for the period that the Royal Decree is in force (ie 15 calendar days with the possibility of extensions). This included all of the CNMC's deadlines in merger control and infringement proceedings. As of 1 June 2020, the Royal Decree was repealed and all deadlines are running. The CNMC is accepting pre-notification and formal notifications as usual. The CNMC is also continuing to handle infringement proceedings swiftly. 	<ul style="list-style-type: none"> A&O Madrid <i>Royal Decree 463/2020, of 14 March, declaring the state of alarm for the management of the health crisis caused by Covid-19</i>

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – The CNMC headquarters in Madrid and Barcelona are closed to the public. CNMC's officials are working from home but they are usually responsive. Deadlines are not affected and the CNMC is assessing and clearing transactions without any significant delay. 	<ul style="list-style-type: none"> – Covid-19: The CNMC adapts its operations in order to continue providing its services, CNMC (12/03/20) – Covid-19 – Announcement from the CNMC on the timelines for administrative procedures, CNMC (19/03/20)
<p>Switzerland Competition Commission (COMCO)</p>	<ul style="list-style-type: none"> – COMCO does not expect to ask merging parties to delay new filings, and expects notified mergers to be handled on time. COMCO pursues a "business as usual" approach for merger filing proceedings. – Merger filings can be submitted electronically. 	<ul style="list-style-type: none"> – Swiss agency to maintain merger timelines with other delays likely, reported by PaRR (23/03/20) – Lenz & Staehelin (local counsel)
<p>United Kingdom Competition and Markets Authority (CMA)</p>	<ul style="list-style-type: none"> – The CMA has released guidance that is intended to provide detail on the CMA's expected approach to merger assessments during the pandemic. Legally binding timelines and the CMA's overall approach to assessing whether a merger gives rise to competition concerns remain unchanged. Key aspects of the guidance include: <ul style="list-style-type: none"> – Information-gathering: The CMA is unlikely to impose penalties for failure to comply with statutory requests if claimed Covid-19 related difficulties are substantiated. In keeping with usual practice, the CMA may "stop the clock" where merging parties are unable to provide information by a specified deadline. 	<ul style="list-style-type: none"> – CMA Covid-19 update, CMA (19/03/20) – Covid-19: CMA approach to merger assessments, CMA (22/04/20) – Merger assessments during the Coronavirus (Covid-19) pandemic, CMA (22/04/20) – Summary of Final Report, CMA (06/05/20) – The Enterprise Act 2002 (Specification of Additional Section 58 Consideration) Order 2020 – New protections for UK businesses key to national security and fight against coronavirus, CMA (21/06/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – Timing of investigations: It is possible that there will be delays in the pre-notification process. In particular, the CMA may be unable to start the 40-working day clock where third parties are unable to meaningfully engage with the CMA's investigation. It will take steps where possible to mitigate any delays due in third party engagement, eg by publishing invitations to comment during the pre-notification process. The timing of individual cases should be discussed with the relevant case team. The CMA is not asking parties to delay merger notifications at this time, but encouraging parties to consider whether some filings could be postponed. – Meetings and hearings: All meetings are being conducted remotely via videoconference or telephone. Early Phase 2 investigation site visits will not take place at present, but will be replaced by alternative remote meetings with key operational staff during the early stages of the Phase 2 investigation. – Interim measures: The CMA has already received a high volume of requests from merging parties for changes to interim measures in completed mergers in order to address operational challenges brought about by Covid-19. These requests are being assessed on a case-by-case basis in line with its pre-coronavirus policy and is unlikely to lift interim measures that are already in place. Derogations can be, and have been, granted rapidly where merging parties demonstrate that such steps are necessary to ensure the viability of their businesses. Merging parties should engage with the relevant case team as early as possible if such derogations are necessary, and derogations can be granted more quickly where they are fully specified, reasoned, and evidenced. 	<ul style="list-style-type: none"> – A&O alert – <i>Changes to UK merger control: public health emergencies and national security</i> (23/06/20) – <i>Summary of Application Under Section 120 of the Enterprise Act 2002, Case No. 1354/4/12/20</i>, Competition Appeal Tribunal (23/06/20) – <i>Enterprise Act 2002: Changes to the public interest grounds for intervention in merger cases, Guidance 2020</i>, Department for Business, Energy & Industrial Strategy (26/06/20) – <i>The Enterprise Act 2002 (Share of Supply) (Amendment) Order 2020</i> – <i>The Enterprise Act 2002 (Turnover Test) (Amendment) Order 2020</i> – <i>Enterprise Act 2002: guidance on changes to the turnover and share of supply tests for mergers (Orders 2020)</i>, Department for Business, Energy & Industrial Strategy (21/07/20) – <i>Guidance on changes to the jurisdictional thresholds for UK merger control</i>, CMA (updated 23/07/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – Substantive assessment: The CMA's standards for merger assessment and investigation are unchanged. However, the impacts of Covid-19 will be factored in where appropriate, although "even short-term industry-wide economic shocks may not be sufficient, in themselves, to override competition concerns that a permanent structural change in the market brought about by a merger could raise". The CMA is aware that the current environment may lead to additional submissions with failing firm claims and will consider these submissions also on a case-by-case basis. – On 23 June 2020, a new public interest consideration to the UK merger control regime entered into force: public health emergency. The public health emergency consideration allows the Government to intervene and scrutinise mergers and takeovers to ensure that they do not threaten the UK's capability to combat, and to mitigate the effects of, public health emergencies. While it will be open to the Government to intervene in relation to all transactions, both domestic and foreign, meeting the jurisdictional thresholds, it is notable that the Government's press release announcing the proposal calls out only the threat of foreign takeovers. The Government has published guidance to explain this change. – On 11 November 2020, the UK Government published a National Security and Investment Bill that will expand the Government's powers to scrutinise and intervene in foreign investments on national security grounds through a mandatory notification of transactions in sensitive sectors backed by a "call-in" power. – The Institute for Public Policy Research has published a paper by CMA chair Andrew Tyrie on how antitrust policy should react to Covid-19. The 	<ul style="list-style-type: none"> – How Should Competition Policy React to Coronavirus?, Andrew Tyrie, Institute for Public Policy Research (21/07/20) – CMA mergers director says parties need to provide solid evidence of COVID-19 impact in merger review – IBA Competition, reported by PaRR (10/09/20) – National Security and Investment Bill – A&O alert – National Security and Investment Bill: a new frontier for scrutiny of investment in the UK (12/11/20) – Notice of extension of inquiry period, CMA (13/11/20) – Judgment, Case No: 1354/4/12/20, Competition Appeal Tribunal (13/11/20) – CMA considers next steps in JD Sports/Footasylum merger, CMA (13/11/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<p>paper details the need for robust merger control to stop markets from becoming more concentrated, including reviewing failing firm merger with the right level of skepticism and looking out for killer acquisitions. The paper also notes that a decline in external and international competitive pressure on domestic industry will alter the CMA's analysis and approach in merger control.</p> <ul style="list-style-type: none"> – A senior CMA official has noted at a conference that the evidential bar for proving the failing firm defence is high, requiring a case-by-case assessment as to whether there is clear evidence that any of the merging parties are being hit harder by the pandemic. – On 6 May 2020, the CMA blocked the merger of JD Sports and Footasylum, finding that while Covid-19 is significantly affecting the retail sector, there was no evidence that Covid-19 is affecting the parties more negatively relative to other retailers such that the effects of the pandemic would relieve competitive concerns arising out of the transaction. The CMA allowed JD Sports a "reasonable timeframe" to sell Footasylum, and noted flexibility in the sales process to respond to any further developments. On appeal, the Competition Appeal Tribunal (CAT) quashed the CMA's final report insofar as its conclusions were based on the CMA's assessment of the pandemic's likely effects on the relevant markets and merging parties. While generally endorsing the CMA's approach to assessing the merger's effects, the CAT criticised the CMA's approach to gathering information about the specific impact of the pandemic, including the failure to make follow-up inquiries of suppliers, and failure to make direct inquiries of Footasylum's primary lender. The CAT also considered that the CMA had not properly taken into account necessary evidence in concluding that Nike and Adidas would not have the ability or incentives to increase their direct-to-consumer operations 	

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<p>and sufficiently constrain the merged entity. The CMA is considering whether to appeal.</p> <ul style="list-style-type: none"> – On 13 November 2020, the CMA extended its phase 2 review of viagogo’s acquisition of StubHub by eight weeks in part as a result of ongoing Covid-19 related challenges to the expedient running of its investigation. 	
<p>Ukraine Antimonopoly Committee of Ukraine (AMC)</p>	<ul style="list-style-type: none"> – The AMC continues to accept merger filings. Although applicants are encouraged to provide electronic copies of all data by email, hard copies of filings are still required and are to be submitted during normal working hours. – According to local counsel, the AMC is working at its usual pace and is clearing transactions within legally prescribed timelines. To the extent of public knowledge, the AMC has not yet made any requests to postpone filings. 	<ul style="list-style-type: none"> – Sayenko Kharenko (local counsel)
Asia Pacific		
<p>Australia Australia Competition and Consumer Commission (ACCC)</p>	<ul style="list-style-type: none"> – The Merger & Authorisation Review Division of the ACCC will regularly issue guidance regarding any changes in its operations arising from the Covid-19 pandemic. – Timelines for certain reviews or applications (including those with statutory timeframes) may need to be extended where there are challenges in conducting and completing the necessary inquiries with merger parties and market participants. The ACCC will consider timelines on a case-by-case basis and discuss any proposed extensions with the relevant parties. – While not asking parties to delay applications at this stage, the ACCC encourages parties to consider whether matters (eg mergers that are non-urgent, more speculative, or at a very early stage with no sale agreements in place) could appropriately be postponed. 	<ul style="list-style-type: none"> – Covid-19 pandemic – what it means for ACCC merger clearances, authorisations, notifications and CTMs, ACCC (27/03/2020) – A&O Sydney

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – Merger parties have been asked to update the ACCC regularly regarding any changes in the commercial timing of mergers under consideration and/or changes in the likelihood that these mergers will proceed under current market conditions. – If the situation worsens, the ACCC may need to prioritise certain matters further and will seek the assistance of parties in meeting this challenge. – The ACCC expects the current market environment to likely result in additional merger proposals related to concerns and uncertainty regarding the ongoing financial health of some firms. It will address each on a case-by-case basis and will consider the present situation and longer-term impact on competition of any change in market structure. Such applications will be an important priority under current circumstances. The ACCC encourages parties to engage as early as possible if they anticipate submitting such an application. 	
<p>China State Administration for Market Regulation (SAMR)</p>	<ul style="list-style-type: none"> – On 6 February 2020, SAMR published an online notice setting out its work protocol in light of the Covid-19 outbreak: instead of making on-site hard copy submissions, all new filings and RFI submissions must be made via email or courier. We also understand that SAMR currently does not participate in face-to-face meetings, but will accept communication by phone. – Most SAMR officials are currently under flexible or semi-flexible working arrangements. – Despite these changes in work and submission arrangements, we have not observed any significant delays in case review proceedings – both from experience with two recent filings (one standard proceeding case cleared within three months; the other a simplified proceeding case cleared in less than one month) and from a statistical perspective. 	<ul style="list-style-type: none"> – Notice, SAMR (06/02/20) – Press Release, SAMR (15/03/20) – A&O Beijing/Shanghai/A&O Lang Yue (FTZ) Joint Operation Office (01/04/20) – <i>China's SAMR ramps up efforts to assist Covid-19 battle, assist economic recovery</i>, reported by Mlex (06/04/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – In the first eight weeks since SAMR returned to work and implemented its new work protocol, it cleared a total of 74 cases. The average number of cases cleared on a per working day basis is consistent with that of 2018 and 2019, which does not appear to suggest any significant delays. – SAMR has promised antitrust exemptions and speedy merger reviews for corporate actions that are relevant to China's efforts to control Covid-19 infections and help balance the country's economy. An express merger-review channel is available for sectors closely associated with epidemic control and daily livelihood (eg: pharmaceuticals, medical equipment, and device manufacturing; food; and transportation). 	
<p>French Polynesia Polynesian Competition Authority (PCA)</p>	<ul style="list-style-type: none"> – The PCA has announced that procedural deadlines that had not expired by 12 March 2020 are suspended until a month after the official end of the state of alert caused by the Covid-19 outbreak. Deadlines where the starting point of the procedure came after 12 March are also delayed, in these cases until the end of the state of alert. – The PCA's offices are closed to the public and any contact must be made electronically. – The PCA may have difficulty handling cases within normal deadlines, especially those that require collection of information from third parties. Parties are encouraged to delay any non-urgent complaints or merger notifications. 	<ul style="list-style-type: none"> – Covid-19 Measures, in French, PCA (23/03/20); also reported by PaRR – Press Release, in French, PCA (23/04/20); also reported by PaRR
<p>Hong Kong (SAR), China Hong Kong Communications Authority (HKCA), Hong Kong Competition Commission (HKCC)</p>	<ul style="list-style-type: none"> – The merger control regime in Hong Kong only applies to the telecommunication and broadcasting sectors. – The HKCC's office will be temporarily closed until 15 December 2020 to reduce the spread of Covid-19. Parties may contact the HKCC through the authority's hotline, email, or online form. The HKCC will continue to monitor the situation and announce any further updates. 	<ul style="list-style-type: none"> – HKCA website – HKCC website

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – From 23 March 2020 until further notice, CA staff will work from home or be on standby except for staff who provide essential and limited basic public services, including counter and telephone enquiry services. Counter service of the CA will remain normal during operating hours. – The CA remains operational to take notifications but delays may be expected due to remote working arrangements. 	
India Competition Commission of India (CCI)	<ul style="list-style-type: none"> – The CCI is accepting electronic filing of merger notices via email during the Covid-19 lockdown, with the following additional arrangements: <ul style="list-style-type: none"> – fees should be paid through electronic clearance service by direct remittance to the CCI. Soft copies of proof of payment and confirmation of credit should be attached to the filing; and – dates for filing hard copies of the notice and submissions will be notified in due course. – The CCI will endeavour to process new and pending cases subject to availability of necessary information and material. Parties are advised to cooperate and furnish all relevant information. – All matters listed for hearing up to 3 May 2020 will be rescheduled and new dates notified. All other filings, submissions, and proceedings under the Competition Act 2002 and regulations made under it, including those before the Director General, will also be rescheduled and new dates notified. – According to the CCI's economics adviser, the CCI would be prepared to adopt a more lenient approach when assessing mergers in the aviation sector or in other vulnerable sectors amid the pandemic. 	<ul style="list-style-type: none"> – Circular, CCI (17/03/20) – Measures in view of threat of Coronavirus / Covid-19 pandemic, CCI (23/03/20) – Measures in view of threat of Coronavirus / Covid-19 pandemic, CCI (30/03/20) – Measures in view of threat of Coronavirus / Covid-19 pandemic, CCI (13/04/20) – Measures in view of threat of Coronavirus / Covid-19 pandemic, CCI (20/04/20) – Shardul Amarchand Mangaldas (local counsel) – Indian agency to be liberal when assessing mergers in vulnerable sectors such as aviation – ASSOCHAM Covid-19, reported by PaRR (20/04/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
<p>Indonesia Indonesia Competition Commission (KPPU)</p>	<ul style="list-style-type: none"> – KPPU staff will return to work at the agency’s offices beginning 2 June 2020, but buildings will be operating at 50% capacity. – As of 7 April 2020, the KPPU has resumed law enforcement activities including evaluation of post-merger notifications, although it continues to avoid in-person interaction to the extent possible. The KPPU had suspended its law enforcement activities from 17 March to 6 April 2020, during which this period was not included in the calculation of effective filing dates and in the assessment periods for merger filings. – The KPPU has issued a regulation (Regulation 1) which governs online procedures for notifications, antitrust case handling, and gun-jumping investigations, among others. This regulation allows assessment of merger filings, settlement of late filings, and KPPU panel hearings, among others, to be performed electronically (via the KPPU's website or by email). Regulation 1 applies to all ongoing processes on assessment of merger filings, case settlements, and KPPU panel hearings. – Under the online notification procedure, parties can seek information from the KPPU regarding consultation, deadline notifications, and commissioners' opinions via teleconference and email. – The KPPU advises that mergers of financial institutions ordered by Indonesia’s financial regulator in order to maintain fiscal stability still need to be submitted if they meet the notification threshold. 	<ul style="list-style-type: none"> – <i>Indian businesses can rely on laws built-in flexibility amid Covid-19, regulator says</i>, reported by Mlex (20/04/20) – <i>Statement</i>, KPPU (24/03/20); also reported by Mlex – <i>Indonesia antitrust regulator issues rules on online enforcement procedures</i>, reported by PaRR – <i>Statement</i>, in Indonesian, KPPU (27/03/20) – <i>Rule – number 1/2020</i>, in Indonesian, KPPU (07/04/20) – <i>Covid-19 financial mergers need to be notified, Indonesian antitrust regulator says</i>, reported by Mlex (08/06/20) – Assegaf Hamzah & Partners (local counsel)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
<p>Japan Japan Fair Trade Commission (JFTC)</p>	<ul style="list-style-type: none"> – The JFTC Secretary General has stated that the JFTC now in principle accepts merger filings by mail to avoid in-person meetings. In response to requests from business groups, the JFTC has also begun to accept merger filings by email, as long as companies also mail original documents with official seals to the JFTC. – The JFTC's merger reviews, especially for complex cases, have been significantly disrupted by Covid-19. The JFTC is experiencing difficulty gathering information to assess the competitive impacts of some proposed transactions, in part because it is unable to interview parties in the relevant market. Nevertheless, the JFTC is still obligated to decide whether to clear a proposed deal or open an investigation within 30 days of receiving a notification, as it cannot stop the clock in the review process. – Companies planning mergers must consult with JFTC case handlers by phone or online, and sometimes must delay submitting documents and relevant information due to the remote work environment. – The JFTC's release of its first-quarter merger clearance list was delayed two weeks due to disruptions following the government's stay-home request to contain the spread of Covid-19. The JFTC's annual report of sample review cases, usually published in June, has also yet to be disclosed this year. – The JFTC's latest quarterly merger clearance list, released on 16 July 2020, indicates that the authority's merger reviews in April to June 2020 were on average longer than the same period last year (18 days as opposed to 10 days in 2019), in part due to social restrictions as a result of the pandemic. In particular, it took longer to obtain third party opinions from competitors and customers. The JFTC did, however, manage to proceed without having to request parties to delay notifications. 	<ul style="list-style-type: none"> – <i>JFTC's disclosure of quarterly merger-clearance list delayed by Covid-19</i>, reported by Mlex (13/05/20) – <i>Longer JFTC merger clearances for April-June show impact of Covid-19</i>, reported by Mlex (17/07/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
<p>Malaysia The Malaysia Competition Commission (MyCC) and the Malaysian Communications and Multimedia Commission (MCMC)</p>	<ul style="list-style-type: none"> – MyCC’s office has resumed operations starting 2 November 2020. Any parties who wish to contact MyCC may do so by email, WhatsApp, or Facebook. – MyCC stated that merger regulations were supposed to be published late last year. However, to date there are no draft regulations or publication consultation papers on the proposed regulations. As such, the expected time lines for the introduction of merger controls under the Competition Act remain unclear. 	<ul style="list-style-type: none"> – Announcement, MyCC (31/03/20) – Press Release, MyCC (13/04/20) – Announcement, MyCC (24/04/20) – Announcement, MyCC (13/10/20) – Announcement, MyCC (18/10/20) – Announcement, MyCC (04/11/20) – Zico Law (local counsel)
<p>New Caledonia Autorité de la concurrence de la Nouvelle-Calédonie (ACNC)</p>	<ul style="list-style-type: none"> – All deadlines that would have expired between 23 March 2020 and the end of the health emergency are suspended and now expire one month after the end of the health emergency. – The ACNC has resumed its normal activities as of 20 April 2020. However, it is still encouraging teleprocedures. 	<ul style="list-style-type: none"> – Press Release, in French, ACNC (11/04/20); also reported by Mlex – Press Release (20/04/20), in French, ACNC
<p>New Zealand Commerce Commission (NZCC)</p>	<ul style="list-style-type: none"> – The NZCC has closed its office and staff will be telecommuting for the foreseeable future. – The NZCC still aims to carry out current merger applications within the timeframes agreed with applications. An extension may be needed, however, due to delays in receiving responses to information requests. Any changes to the due date will be reflected on the NZCC’s case register on its website. – Parties are still able to file any new merger applications at any time. The NZCC will seek to prioritise any requests for merger approvals where the financial viability of a firm is in jeopardy because of current economic circumstances. – The NZCC will continue to assess each application on a case-by-case basis, taking into account the current environment and potential longer-term impact on competition from any change in market structure. – All current investigations are continuing. 	<ul style="list-style-type: none"> – Covid-19 – The Commission’s response, NZCC (last updated 25/03/20); also reported by PaRR

Jurisdiction/region/antitrust authority	Effect on merger review	Source
<p>Pakistan Competition Commission of Pakistan (CCP)</p>	<ul style="list-style-type: none"> – The CCP has launched an electronic filing system for merger notifications. The CCP has reviewed and its first online pre-merger application as of 6 June 2020. While parties may continue to file hard copies of applications, the CCP urges merging parties to utilize the online system going forward. – The CCP has also resumed hearings to clear the backlog of pending cases and has allowed parties involved to participate through video conferencing. – Despite the disruption caused by the pandemic, the CCP has managed to meet its targets, processing and granting approval for 59 transactions against the annual target of 50 in its 2019-2020 fiscal year. 	<ul style="list-style-type: none"> – Announcement, on Twitter, CCP (14/05/20) – CCP launches online merger and acquisition application system, reported by The News International (15/05/20) – Pakistan competition commission approves first online pre-merger filing, reported by PaRR (08/06/20) – CCP achieves major milestones; approves 59 mergers, 43 exemptions during fiscal year 2019-20, CCP (02/07/20)
<p>Philippines Philippine Competition Commission (PCC)</p>	<ul style="list-style-type: none"> – The PCC has resumed its regular merger review operations as of 16 July 2020. It had previously suspended certain merger review processes and timelines after Manila was placed under community quarantine in response to Covid-19. The PCC will continue digital and alternative arrangements for timely and efficient conduct of its merger review and investigation functions, and recommends that parties use its online filing system for merger filings. The authority will consider requests for extension and waivers to allow notifying parties sufficient time to comply with requirements given logistical and administrative challenges amid the pandemic. 	<ul style="list-style-type: none"> – Commission Resolution No. 007-2020, PCC (16/03/20) – Public Advisory: Interruption of the Reglementary Periods for the Filing of Pleadings, Motions and Submissions to the Commission and the Payment of Fines or Penalties in view of the Enhanced Community Quarantine to Manage the Covid-19 Situation, PCC (18/04/20) – PCC Comment: SMC-Holcim Transaction, PCC (12/05/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – The PCC has updated its rules on operations of the Mergers & Acquisitions Office as a result of the modified general community quarantine: it has asked parties to submit new notification forms, letters of non-coverage from compulsory notification, and other merger documents electronically, with an undertaking to submit hard copies within 7 working days of the lifting of the quarantine over the area where the PCC’s offices are located. – The chairman of the PCC has warned that any "rescue mergers" carried out as a result of the Covid-19 pandemic will be carefully scrutinised to avoid a long-lasting negative impact on markets. – In a position paper to the Philippine Senate, the PCC has flagged concerns over economic stimulus bills that could curb the authority’s regulatory powers, including merger reviews. The proposed provisions exempt from compulsory notification all transactions involving firms engaged in essential businesses entered into a month before quarantine measures until up to one year after they are lifted. – On 12 May 2020, the PCC reported that San Miguel Corporation's acquisition of Holcim Philippines, Inc. would no longer proceed due to the lapse of the parties' agreement after the PCC failed to grant approval by the parties' deadline. The PCC's investigation had been suspended due to the pandemic and the commitments offered by the parties were considered insufficient. 	<ul style="list-style-type: none"> – Interim Guidelines on the Operations of the Mergers and Acquisitions Office During the Modified Enhanced Community Quarantine, PCC (18/05/20) – Philippine antitrust regulator warns 'rescue mergers' amid Covid-19 will be scrutinised, reported by Mlex (20/05/20) – Commission Resolution No. 12-2020, PCC (02/06/20) – Commission Resolution No. 15-2020, PCC (18/06/20) – Consolidated Position Paper of the Philippine Competition Commission on the Various Bills Pending in the Senate Providing for the Government's Economic Stimulus Package by Way of Response to the Covid-19 Pandemic, PCC (23/06/20) – Philippine competition agency red flags pandemic-related economic relief bills, reported by PaRR (06/07/20) – PCC resumes merger review during GCQ, MGCQ, PCC – Commission Resolution No. 20-2020, PCC (04/08/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – Through the Bayanihan 2 Act, the Philippines has increased its merger control thresholds for two years as an economic stimulus following the pandemic. This measure drastically reduces the number of transactions subject to mandatory notification in the Philippines by exempting from notification deals with a transaction value of less than PHP50 billion (approx. EUR870.9m/USD1,026.6m). Under the same Act, deals are also exempted from the PCC’s “motu proprio” review (ie review based on the PCC’s own initiative where the thresholds are not otherwise met) for 12 months. Nonetheless, the PCC recommends that parties submit voluntary notifications of their exempted transactions, as the PCC would retain power to review the non-notifiable deal after expiry of the 12-month period. – The PCC has issued a memorandum circular containing guidance on the new Bayanihan 2 Act, noting that transactions entered into prior to the law taking effect on 15 September are still subject to compulsory notification and review. They may also be subject to motu proprio review. – The PCC has also issued rules, effective as of 5 October 2020, to implement the section of the new Act relating to M&A review. In particular, the rules detail the exemptions from compulsory notification and motu proprio review, computation of new thresholds, and the option for voluntary notification. 	<ul style="list-style-type: none"> – <i>Philippines merger control update</i>, Lexis PSL (27/08/20) – <i>Philippine antitrust authority backs ‘voluntary’ notification by firms despite exemption in Bayanihan 2 bill</i>, reported by PaRR (04/09/20) – <i>Philippine official encourages merger filings despite new bill</i>, reported by GCR (07/09/20) – <i>Press Statement: PCC M&A Review Moratorium in the Bayanihan 2 Act</i>, PCC (14/09/20) – <i>Memorandum Circular</i>, PCC (17/09/20) – <i>PCC issues rules on merger reviews under Bayanihan 2</i>, PCC (05/10/20)
<p>Singapore Competition and Consumer Commission of Singapore (CCCS)</p>	<ul style="list-style-type: none"> – It is "business as usual" in Singapore apart from a general requirement for any individual to whom the below criteria apply to reschedule his/her appointment: <ul style="list-style-type: none"> – any person who has travelled overseas within the last 14 days; 	<ul style="list-style-type: none"> – A&O Singapore – <i>Singapore Covid-19 ‘circuit breaker’ not seen affecting merger filings, lawyers say</i>, reported by PaRR (07/04/20)

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – any person who has been placed on a Stay at Home Notice (SHN) or Leave of Absence (LOA) as a result of potential contact with a Covid-19 patient; or – any person who is unwell with flu-like symptoms. – The use of electronic services is encouraged to reduce the risk of local transmission. – The Singapore Public Service (to which the CCCS belongs) expect their staff to continue working as per normal so at this stage we do not expect delays to merger reviews. – The Singapore Public Service has also issued a general statement announcing the introduction of telecommuting, and so public sector agencies (such as the CCCS) will adopt video and teleconferencing where appropriate. – The CCCS will manage administrative timelines on a case-by-case basis as it may experience possible delays in obtaining third party responses, but things appear to be progressing as normal for the time being. – CCCS chief executive Sia Aik Kor has stated that the authority’s 2018 guidance on airline mergers and alliances remains valid despite the pandemic. 	<ul style="list-style-type: none"> – <i>Singapore antitrust authority foresees delayed third-party response as Covid-19 measures extended, reported by PaRR (27/04/20)</i> – <i>Covid-19 hasn’t changed up Singapore’s approach to airline tie-ups, agency head says, reported by GCR (30/10/20)</i>
<p>South Korea</p>	<ul style="list-style-type: none"> – Beginning on 17 March 2020, the KFTC has ordered all working-level officials below the position of director to take turns telecommuting. – The KFTC is accepting new merger filings. Case handlers at the M&A division have informed local counsel in Korea that they are taking all measures to continue review while remote working, and are available by mobile phone and email. – Some case handlers have asked counsel to advise them in advance if a particular case is time sensitive, out of caution. 	<ul style="list-style-type: none"> – Kim & Chang (local counsel) – <i>Social distancing related to Covid-19 slows antitrust enforcement in South Korea, reported by Mlex (25/03/20)</i> – <i>KFTC approves Jeju Air’s acquisition of Eastar, in Korean, KFTC (23/04/20); also reported by Mlex</i>

Jurisdiction/region/antitrust authority	Effect on merger review	Source
	<ul style="list-style-type: none"> – The KFTC has already postponed a number of hearings. The hearings that are taking place involve cases with a small number of respondents. Therefore, if a merger case is expected to go to a KFTC hearing for remedies, there may be delays in the hearing process. – The KFTC has stated that it will expedite merger reviews in industries hit hard by the pandemic. The KFTC's chairwoman has also stated that merger review will be expedited for transactions involve struggling firms. The KFTC plans to make it easier for companies to submit prenotification forms to determine the prospects for their deals. – The KFTC has accepted the failing firm defence in the acquisition of a majority stake in Eastar Jet by Jeju Air, clearing the transaction despite the fact that the merger would cause anti-competitive effects. It exempted the transaction from merger control rules after concluding that the merger is expected to bring greater efficiency to the aviation sector, finding that Eastar's financial condition had deteriorated since the Covid-19 outbreak. 	<ul style="list-style-type: none"> – <i>Cartels, unfair business conduct subject to strong enforcement despite Covid-19, South Korean competition chief says</i>, reported by Mlex (19/05/20)
Taiwan, China Taiwan Fair Trade Commission (TFTC)	<ul style="list-style-type: none"> – Although there may be delays in some competition cases (including merger control cases) due to the Covid-19 crisis, all cases have so far been handled and completed within the statutory deadline. 	<ul style="list-style-type: none"> – Yangming Law (local counsel)
Thailand Office of the Trade Competition Commission (OTCC)	<ul style="list-style-type: none"> – The OTCC has not yet issued an official policy. We understand that the OTCC is still preparing their internal guidance and policy of whether they will ask the staff to work from home, as well as whether to accept consultations and submissions only virtually/through e-communications etc. 	<ul style="list-style-type: none"> – A&O Bangkok

Jurisdiction/region/antitrust authority	Effect on merger review	Source
Vietnam Vietnam Competition Authority (VCA)	<ul style="list-style-type: none"> - A decree setting out the new merger control rules (including thresholds) was promulgated on 24 March 2020 and will take effect on 15 May 2020. There are currently no signs the introduction of the new merger regime will be affected by Covid-19. 	<ul style="list-style-type: none"> - A&O Ho Chi Minh - New merger control in Vietnam, A&O (02/04/2020)
Middle East and Africa		
Botswana Competition and Consumer Authority (CCA)	<ul style="list-style-type: none"> - In light of the State of Public Emergency effective 2 April 2020, all CCA offices are closed and all CCA services are suspended. - The CCA has stated that merger filings related to the financial rescue of businesses were prioritised by the authority during the pandemic and were handled on an expedited basis to avoid job losses. 	<ul style="list-style-type: none"> - Public Notice: Closure of the Competition and Consumer Authority over the Corona Virus Lockdown, CCA (01/04/20) - African agencies offer alternative solutions to distressed firms amid COVID-19 pandemic, reported by PaRR (01/10/20)
Common Market for Eastern and Southern Africa COMESA Competition Commission (COMESA)	<ul style="list-style-type: none"> - The Head of Mergers at COMESA, Willard Mwemba, has confirmed that it is "business as usual." - Parties are encouraged to submit all filings electronically, including certified copies of filings. Hard copies may still be submitted at a later date when possible under the circumstances. - Parties should still notify the Commission within 30 days of signing, but COMESA is aware that parties may not be able to gather all the information to enable completion of notification within those 30 days. Thus, as long as the parties have engaged the Commission on the notification process, they will not be penalised for failure to submit complete information within 30 days of signing. - COMESA expects that the 120-day merger investigation period may be extended in some cases if review cannot be completed within that timeframe. 	<ul style="list-style-type: none"> - Notice of Interim Measures in Merger Review of the COMESA Competition Commission due to the Covid-19 Pandemic - COMESA authority looks to digital solutions to Covid-19 challenges, reported by PaRR (28/10/20) - Nortons Inc. (local counsel)

	<ul style="list-style-type: none"> – Mwemba stated that COMESA has increased investment in IT infrastructure in response to the challenges in merger filings faced by the authority during the pandemic. Specifically, the authority has included measures in its budget for next year to invest in technology for online notification of transactions. – COMESA has so far not seen any failing firm mergers since the onset of the pandemic, but the agency has yet to see the long-term effects of the crisis. 	
Egypt Egyptian Competition Authority (ECA)	<ul style="list-style-type: none"> – The ECA's Chairman has stated that considering the ongoing pandemic, the ECA will relax the parameters for the failing firm defence: it has undertaken to assess failing firm arguments with "a lower standard of proof for the parties" until the market recovers. 	<ul style="list-style-type: none"> – <i>Egypt to introduce ex-ante merger control regime, strengthen domestic supply chains – West Asia webinar</i>, reported by PaRR (16/07/20)
Israel Israeli Competition Authority (ICA)	<ul style="list-style-type: none"> – The ICA has advised that the Israeli merger control regime continues to apply to relevant transactions as usual and merger thresholds have not changed. The ICA encourages entities facing an acquisition that cannot wait for normal procedures to approach it for tailor-made solutions. – The ICA does not intend to change its policy in relation to the failing firm defence in light of Covid-19. – The ICA has observed some delays in merging parties responding to requests for information, but has not required more time to conduct merger reviews. 	<ul style="list-style-type: none"> – Herzog Fox & Neeman (local counsel) – <i>Israeli competition chief says putative airline merger assessment thrown adrift by Covid-19</i>, reported by PaRR (04/06/20)
Kenya Competition Authority of Kenya (CAK)	<ul style="list-style-type: none"> – The CAK's Mergers & Acquisitions Manager disclosed that the CAK is doing its best to fast-track merger review. – The CAK Director General has noted that the authority's workforce has been realigned to allow for critical reviews of merger applications. – Beginning 1 September 2020, the CAK has ceased receiving physical applications such as merger filings. The authority will conduct all its record keeping activities (eg receiving and processing merger applications) only via its digital filing portal Case Management Systems (CMS). 	<ul style="list-style-type: none"> – <i>Kenyan official says mergers assessment, fines subject to market forces during Covid-19</i>, reported by PaRR (02/04/20) – <i>Kenya agency head expecting 'killer' acquisition increase</i>, reported by PaRR (05/06/20)

		<ul style="list-style-type: none"> – Public Notice on the Authority's E-Filing Portal, CAK (24/08/20); also reported by PaRR
<p>Morocco Competition Council (CC)</p>	<ul style="list-style-type: none"> – The suspension of all administrative deadlines in Morocco has been extended pursuant to a Decree-law until 10 July 2020. This includes all of the CC's deadlines in merger control and infringement proceedings. – However, the CC advised on 24 March 2020 that the Moroccan merger control regime continues to apply to relevant transactions as usual and merger thresholds have not changed. – The CC intends to continue progressing cases, making decisions, and meeting statutory deadlines. It will continue to monitor timelines including, where permitted, extending statutory timeframes if necessary. – Nevertheless, during the state sanitary emergency, all CC meetings and hearings are being conducted remotely via videoconference or telephone. – Paper filings will no longer be accepted. Submissions should be made only in electronic format. – The majority of case handlers are working remotely. We therefore expect that the CC may seek to extend statutory deadlines in more complex merger cases. 	<ul style="list-style-type: none"> – A&O Casablanca – Decree-Law No. 2-20-292 of 23 March 2020 relating to the adoption of specific state sanitary and emergency provisions and reporting procedures as published in the Official Gazette No. 6867 <i>bis</i> of 24 March 2020 – Communication of the Competition Council, in French, CC (24/03/20) – Decree-Law No. 2-20-330 of 18 April 2020 – Decree-Law No. 2-20-371 of 19 May 2020 – Decree-Law No. 2-20-406 of 9 June 2020
<p>Namibia Namibian Competition Commission (NaCC)</p>	<ul style="list-style-type: none"> – The NaCC has closed its office following the declaration of a state of emergency, but will partially resume its normal operations on 11 May 2020. Merger filings may be submitted in person. – Merger filings and all other competition regulation-related issues can be submitted to the authority via email, and parties may also contact the NaCC by telephone. 	<ul style="list-style-type: none"> – Commission's Covid-19 Lockdown Operational Measures, NaCC (06/04/20) – Extension of Commission's Operational Measures During Lockdown Due to Covid-19 Outbreak, NaCC (16/04/20) – Phase 2 Covid-19 Operational Measures, NaCC (06/05/20)

Nigeria

Federal Competition and Consumer Protection Commission (FCCPC)

- The FCCPC is prioritising sensitive and urgent merger notifications for review. It has created an interim remote notification mechanism where all notification documents and payments can be filed.
- The FCCPC will accept remote filing/electronic notifications:
 - where there is a possibility or imminent failure of the business of a merging party unless the combination is urgently considered;
 - where there is a host jurisdiction other than Nigeria, and where there are time limitations requiring notification and determination by the FCCPC prior to conclusion of the underlying transaction; or
 - other time sensitive situations such as where other regulatory or similar approvals may expire or lapse, or such approvals were conditioned upon presenting a notification to the FCCPC within a specific time period.
- For these notifications, the notifying party should title the notification as "Extenuating Circumstantial Notification (ECN)" noting which of these circumstances applies, with an explanation and supporting evidence to demonstrate the extenuating circumstance(s).

- *UPDATE: Limited Operations and prioritization during Covid-19 Emergency and Response, FCCPC (28/03/20)*
- *Guidance Regarding FCCPC's (Commission) Merger Notification Process/Interpretation of the Law on Other Competition Issues under the Federal Competition and Consumer Protection Act (FCCPA); During Covid-19 Pandemic, FCCPC (28/04/20)*

South Africa

Competition Commission (CC),
Competition Tribunal (CT)

- South Africa has declared a state of national disaster with enforcement of a nationwide lockdown with effect from **26 March 2020**. During the duration of this lockdown, the CC discourages the filing of all merger transactions except those involving failing firms or firms in distress.
- The CT has announced a remote working directive which includes merger assessment via teleconference and electronic acceptance of documents during the nationwide lockdown. During this period, the court will assess unopposed extension applications for large mergers, non-complex Phase I deals, and unopposed Phase II deals by the CC via teleconference. However, complex mergers opposed by the CC will not be decided during this time.

- *Covid-19: Measures during state of national disaster and nationwide lockdown, CC (24/03/20)*
- *South African tribunal adopts remote working amid COVID-19 lockdown, reported by PaRR (27/03/20)*
- *African agencies offer alternative solutions to distressed firms amid COVID-19 pandemic, reported by PaRR (01/10/20)*

	<ul style="list-style-type: none"> – The CC has extended its existing timelines by 60 business days for intermediate mergers and 120 business days for large mergers, as it understands that parties will wish to seek extensions as a result of the pandemic. – During a conference involving Southern African jurisdictions, a CC official stated that during the initial stages of the pandemic, the authority discouraged filings except for those involving failing firms or distressed companies. The CC has received requests to change or relax merger remedies relating specifically to conditions which require an investment commitment. The authority is still reviewing these requests and will likely consider the impact of the pandemic on different sectors, as well as the global performance of firms which may offset any domestic impact. The authority is of the view that the period for compliance with remedies can be extended to enable economic recovery rather than completely removing the conditions or relieving firms of their obligation to comply. 	
<p>Zambia Competition and Consumer Protection Commission (CCPC)</p>	<ul style="list-style-type: none"> – The CCPC has adopted an approach of providing alternative solutions to merging parties, particularly those that are particularly distressed, to ensure that businesses can continue their operations. – At a conference, the CCPC director of mergers and monopolies noted that the authority provided interim relief to a merging company from the fish production and distribution sector, allowing it to receive investment for continuing operations. However, any such relief is subject to review by the CCPC's board of commissioners. 	<ul style="list-style-type: none"> – <i>African agencies offer alternative solutions to distressed firms amid COVID-19 pandemic, reported by PaRR (01/10/20)</i>
<p>Zimbabwe Competition and Tariff Commission (CTC)</p>	<ul style="list-style-type: none"> – The CTC will prioritise all Covid-19 related matters and only accept those merger transactions during the nationwide lockdown, which is effective from 29 March 2020. The CTC's offices will only be staffed from 10.00am to 1.00pm and all notifications must be submitted by email. 	<ul style="list-style-type: none"> – <i>Press statement on provision of services at the Competition and Tariff Commission in the wake of the Coronavirus (Covid-19), CTA</i>

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