ROPES & GRAY

COVID-19 | Status of Antitrust Authorities

May 14, 2020

Summary

	g remotely)	Deadlines or activities suspended	Issued guidance on relaxation or strengthening of antitrust rules
 Australia Germany Austria Greece Belgium Hungary Iceland Brunei Indonesia Ireland Canada Israel China Japan COMESA Laos Croatia Luxembourg Cyprus Malaysia Czech Republic Mexico EEA Myanmar Netherlands New Zealand 	 Norway Poland Russia Saudi Arabia Slovakia Slovenia South Korea Sweden Switzerland Taiwan Thailand Turkey UK United States 	 Denmark France Italy South Africa India Philippines Spain Argentina Peru 	 Australia Czech Republic EEA Germany India Indonesia Italy United States UK

Details of Individual Authority Status and Response to COVID-19 Crisis

Authority	Status	Substantive Response (i.e., relaxation or strengthening of rules)	Relevant links
United States (FTC and DOJ)	 Operational, working remotely. Agencies have transitioned HSR filings to a temporary e-filing system. It is expected to remain in place after the pandemic. Effective Monday, March 30, early termination ("ET") will once again be available for new and existing HSR filings. The FTC has indicated that ET will be available on a more limited basis, and will take longer than usual, during the crisis. The DOJ has also asked congress to extend the Phase I review period to 45 days in times of emergency (such as the current pandemic), and for the clock to be stopped on price-fixing and bid-rigging investigations. The DOJ has indicated that all scheduled depositions are temporarily postponed and will be rescheduled using video conference. 	 The FTC and DOJ issued a joint statement detailing an expedited antitrust procedure and providing guidance for collaborations of businesses working to protect the health and safety of Americans during the COVID-19 pandemic. Review period for such projects would be limited to seven calendar days. The DOJ has requested that merging parties add an additional 30 days to timing agreements after the parties have certified substantial compliance with a Second Request, expanding the requested period to 90 days. The DOJ may revisit this timing as the COVID-19 pandemic evolves. The FTC has begun requesting 120 days to review materials following certification of substantial compliance with second requests. This request represents an additional 30-60 days beyond the 60-90 days set out in its model timing agreement. Certain Democrats have proposed a halt on all mergers "that do not involve the purchase of a severely distressed company," according to a letter sent to US House Speaker Nancy Pelosi on May 5. However, the measure was not included in the Democrat's COVID-19 relief package published on May 12. 	 https://www.ftc.gov/enforcement/premerger-notification-program/guidance-filing-parties https://www.justice.gov/opa/pr/justice-department-announces-antitrust-civil-process-changes-pendency-covid-19-event https://www.bloomberg.com/news/articles/2020-03-23/u-s-to-speed-antitrust-reviews-for-firms-teaming-up-on-virus https://www.politico.com/news/2020/03/21/doj-merger-reviews-coronavirus-140669 https://www.justice.gov/opa/pr/justice-department-and-federal-trade-commission-announce-expedited-antitrust-procedure-and https://cicilline.house.gov/press-release/cicilline-leading-push-moratorium-unnecessary-corporate-mergers-next-relief-package http://cdn.cnn.com/cnn/2020/images/05/12/democrats_coronavirusbill_4.pdf

The European Competition Network (ECN) on March 23 published a joint statement on the application of competition law during the COVID-19 crisis, stating it will not "actively intervene" in necessary company cooperation related to combatting COVID19. If companies have doubts about the compatibility of such cooperation initiatives with EU/EEA competition law, they can reach out to the European Commission, the EFTA Surveillance Authority or national competition authorities for informal guidance, the ECN added. Recent guidance on screening Foreign Direct https://ec.europa.eu/competition/mergers/information Investment in healthcare capacities (for example for en.html the productions of medical or protective equipment) or related industries such as research establishments. https://ec.europa.eu/competition/ecn/202003_joint-Operational, working remotely. statement ecn corona-crisis.pdf On March 27, 2020, the head of the EC. Commissioner Margrethe Vestager said that while Notifications of mergers are encouraged to be https://ec.europa.eu/competition/elojade/isef/case_det retailers may benefit from some antitrust exemptions, delayed where possible. While pre-notification ails.cfm?proc code=2 M 9604 cartels and Big Tech companies would still face work for new transactions is continuing, on April scrutiny. Moreover, Vestager stated that they would be 7, the Commission repeated its request for https://ec.europa.eu/competition/mergers/covid 19.ht particularly focused on price increases and profiteering notifications to be postponed where possible, relating to the COVID-19 emergency. noting that it was facing difficulties in collecting **European Economic** information from third parties. Area (EEA) (authority https://ec.europa.eu/info/sites/info/files/framework_co On April 8, the EC published a Temporary Framework EC) mmunication_antitrust_issues_related_to_cooperation Communication that permits co-operation to avoid Ongoing complex cases are also likely to be between competitors in covid-19.pdf shortages of critical supplies. Co-operation will not be delayed, but the EC recently has resumed its an enforcement priority if it is: Phase II investigation of EssilorLuxottica's https://ec.europa.eu/competition/antitrust/medicines_f proposed acquisition of Dutch eyewear retailer Designed and objectively necessary to actually or europe comfort letter.pdf increase output in the most efficient way to GrandVision and commenced a Phase II inquiry in the J&J/Tachosil transaction. address or avoid a shortage of supply of essential https://eur-lex.europa.eu/eli/reg impl/2020/593/oj products or services, such as those that are used to treat COVID-19 patients; https://eur-lex.europa.eu/eli/reg impl/2020/594/oj Temporary in nature (i.e. to be applied only as long there is a risk of shortage or in any event during https://eur-lex.europa.eu/eli/reg impl/2020/599/oj the COVID-19 outbreak); and Does not exceed what is strictly necessary to achieve the objective of addressing or avoiding the shortage of supply. Undertakings should document all exchanges, and agreements between them and make them available to the Commission on request. The EC also stated that it is ready to give ad hoc advice on whether a specific co-operation is acceptable; however, it stressed that such "comfort letters" would be exceptional and would be entirely at the EC's discretion to give.

Authority	Status	Substantive Response (i.e., relaxation or strengthening of rules)	Relevant links
		On April 17, the head of EC's pharmaceutical unit, Rainer Becker, said that pharmaceutical companies cannot use the COVID-19 crisis to abuse their dominance or collude. Becker said that the EC is "actively looking" at conduct that might foreclose competitors. On the same day, the EC indicated that it would attempt to limit the burden of its processes on companies until the crisis ends (e.g., it would limit requests for information).	
		 The EC has set up a dedicated email for any inquires or complaints concerning COVID-19 (including requests for comfort letters) – <u>COMP-COVID-ANTITRUST@ec.europa.eu</u>. 	
		On April 29, the EC has published its comfort letter to Medicines for Europe. As with the above Temporary Framework, the letter provides that pharmaceutical companies must be allowed to co-operate to address the crisis. However the letter stresses that the details of such agreements must be shared with the EC, as must any related minutes/recordings. The letter also emphasized that the co-operation must be time-limited to address the crisis, and the parties cannot increase prices for relevant products (unless forced to do so by upstream cost changes).	
		On May 5, the EC issued a series of regulations allowing farmers and producers of dairy, potatoes and flowers to co-operate in order to address the COVID-19 crisis. For example, producers and farmers will be able to co-operate on matters such as distribution, production planning, market withdrawals, and promotion. The regulations will only be in place for six months, and producers and farmers will have to provide details of any co-operative arrangements to the EC, and certain affected Member States.	
		EEA	
Austria (FCA)	 Operational, working remotely. For all notifications received prior to April 30, the phase I review period will not start until May 1. Electronic filings will now be accepted. 	N/A (except as above regarding the ECN letter)	 https://www.bwb.gv.at/en/news/detail/news/corona_co_ vid_19_submission_of_electronic_merger_notification s_are_now_possible/

Authority	Status	Substantive Response (i.e., relaxation or strengthening of rules)	Relevant links
Belgium (BCA)	 Operational, working remotely. The BCA has asked that parties delay notification of any concentration that is not urgent. 	N/A (except as above regarding the ECN letter)	o https://www.belgiancompetition.be/sites/default/files/c ontent/download/files/20200319 press_release_13_b ca_0.pdf
Bulgaria (CPC)	 Operational, working remotely. Bulgarian parliament extended the national state of emergency until May 13. It is unclear what impact this will have on statutory deadlines. 	N/A (except as above regarding the ECN letter)	https://www.reuters.com/article/us-health- coronavirus-bulgaria/bulgaria-extends-state-of- emergency-to-halt-spread-of-coronavirus- idUSKBN21L2RX
Croatia (AZTN)	 Operational, working remotely. No delays to statutory deadlines announced, but filings and other requests should be made electronically or by post. 	N/A (except as above regarding the ECN letter)	http://www.aztn.hr/priopcenje-i-obavijest-aztn-a-u-razdoblju-od-16-ozujka-2020-do-6-travnja-2020-aztn-nece-primati-stranke-uz-obavijest-o-odgodi-razgovora-za-posao/
Czech Republic (UOHS)	 Fully operational. No delays to statutory deadlines announced. The Czech competition authority has said it will provide access to files electronically or by flash drive during the COVID-19 pandemic. 	 On March 27, the UOHS stated that although competition laws remain in force, if firms wish to co- operate in good faith to tackle COVID-19, they should do so. 	 https://www.uohs.cz/cs/hospodarska-soutez/aktuality-z-hospodarske-souteze/2756-dohled-nad-dodrzovanim-pravidel-hospodarske-souteze-v-dobe-krize-zpusobene-onemocnenim-covid-19.html
Cyprus (CPC)	 Operational, working remotely. No delays to statutory deadlines announced. 	N/A (except as above regarding the ECN letter)	N/A
Denmark (DCCA)	 Operational, working remotely. Suspension of time limits for merger reviews has been extended to May 10. 	N/A (except as above regarding the ECN letter)	 https://www.kfst.dk/pressemeddelelser/kfst/2020/2020 0330-perioden-med-afbrudte-frister-for-fusionskontrol- forlaenges/ https://www.en.kfst.dk/nyheder/kfst/english/news/2020 /20200416-suspension-of-time-limits-for-merger- review-is-extended/
Estonia (ECA)	 Operational, working remotely. Office is closed – contact is only possible by email or phone. 	N/A (except as above regarding the ECN letter)	° https://www.konkurentsiamet.ee/et/uudised/konkurentsiametis-peatatud-kodanike-vastuvott

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Finland (FCCA)	 Operational, likely working remotely. No delays to statutory deadlines announced. 	 Actively confirmed it will reflect the approach set out in the ECN letter. 	° https://www.kkv.fi/en/current-issues/press- releases/2020/23.3.2020-exceptional-circumstances- caused-by-the-coronavirus-to-affect-the-application- of-the-competition-act/
France (ADLC/FCA)	 Operational, but deadlines are suspended (by law- la loi n° 2020-290`) until after France's state of emergency is lifted. Both antitrust and merger control decisions will be suspended until up to one month after the end of the state of emergency. 	N/A (except as above regarding the ECN letter)	 https://www.autoritedelaconcurrence.fr/en/article/adap tation-merger-control-procedures-due-coronavirus-covid-19 https://www.autoritedelaconcurrence.fr/fr/communique s-de-presse/adaptation-des-delais-et-procedures-delautorite-de-la-concurrence-pendant-la
Germany (FCO)	 Operational, working remotely. No delays to statutory deadlines announced. Case-by-case basis approach to be taken on hearings of the federal public procurement tribunals. 	 The German government and FCO are ready to temporarily adapt some competition restrictions to avoid potential food shortages, without changing any laws. The FCO also recently discontinued its investigation to Sky and DAZN (regarding UEFA broadcasting rights) partially on the basis that the COVID-19 crisis renders the impact of the impact of the conduct difficult to predict. Note also ECN letter above. 	 https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/AktuelleMeldungen/2020/17_03_2020_Communication_Bundeskartellamt.html?nn=4136442 https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilungen/2020/15_04_2020_Champions_League.html?nn=3591568
Greece (HCC)	 Operational working remotely. While the HCC has stated that statutory deadlines will continue to apply, it will likely seek extensions where permitted. 	N/A (except as above regarding the ECN letter)	° https://www.epant.gr/enimerosi/deltia-typou/item/842-deltio-typou-tilergasia-kai-anaprosarmogi-ton-oron-leitourgias-gia-to-koino.html
Hungary (GVH)	 Operational, working remotely. All hearings shall be postponed during Hungary's State of Emergency, and communications and submissions must by phone or email. The GVH encourages parties to existing antitrust investigations to contact the GVH regarding next steps. With respect to mergers, the GVH asks that parties to non-essential transactions postpone announcement and filing of notifiable transactions. 	N/A (except as above regarding the ECN letter)	 https://www.gvh.hu/en/actualities/Information-on-the- operation-of-the-Hungarian-Competition-Authority- due-to-the-situation-of-the-pandemic

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Iceland (ICA)	 Operational, working remotely. No in-person meetings are to be held unless absolutely necessary, and submissions and requests should be made electronically. 	N/A	 https://en.samkeppni.is/published-content/news/covid- 19-application-of-competition-rules-and-competition- enforcement-in-financial-crisis
Ireland (CCPC)	 Operational, working remotely. The CCPC has requested that parties delay filing planned merger notifications until further notice. If delay is not possible, requests and submissions must be made by email or phone. 	N/A (except as above regarding the ECN letter)	 https://www.ccpc.ie/business/covid-19-temporary- merger-notifications-process/

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Italy (AGCM/ICA)	 Operational, working remotely. The ICA has suspended all deadlines (including for mergers) from 23 February; the initial period was extended to May 15. 	 On April 8, the AGCM/ICA issued a statement warning against the government's proposals to limit the ability of consumers to switch telecom providers. On April 17, the AGCM/ICA issued requests for information to hospitals and labs in Rome regarding the price, type, and mode of COVID-19 blood tests they offer. On April 24, the AGCM/ICA issued guidance providing that companies may co-operate where necessary to address scarcity of supply of products stemming from the COVID-19 crisis. The guidance provides that: The pharmaceutical, health and food sectors are the main targets of the guidance. The ACGM/ICA can provide informal advice on whether a specific form of co-operation is lawful by way of comfort letters. This advice will be informal and not of precedential value. Some activities will generally not raise competition concerns. In the health sector (and possibly in the agricultural sector), it would be permissible to assign to trade associations or independent third parties the tasks of:	 https://en.agcm.it/en/media/press-releases/2020/3/ICA-Coronavirus-the-Authority-intervenes-in-the-sale-of-sanitizing-products-and-masks https://www.agcm.it/media/dettaglio-notizia?id=f023b82f-40f9-4eff-b102-84e7bf680486&parent=News&parentUrl=/media/news https://www.agcm.it/media/comunicati-stampa/2020/4/DC9877 https://www.agcm.it/dotcmsdoc/allegati-news/Testo%20Comunicazione%20cooperazione%20e%20COVID-19.pdf
Latvia (CCL)	 Operational, working remotely. No delays to statutory deadlines announced. 	N/A (except as above regarding the ECN letter)	° https://www.kp.gov.lv/en/posts/regarding-the-declaration-of-emergency-situation

Authority	Status	Substantive Response (i.e., relaxation or strengthening of rules)	Relevant links
Lithuania (CCL)	 Operational, working remotely. No delays to statutory deadlines announced. The CCL has advised that examination of mergers may take longer and merger parties are asked to carefully consider their ability to be involved in merger examination processes. 	N/A (except as above regarding the ECN letter)	° https://kt.gov.lt/en/news/examination-of-mergers-may- last-longer
Luxembourg (CC)	 Operational, working remotely. No delays to statutory deadlines announced. 	 On April 1, the CC issued guidance which mirrors the ECN letter – action will not be taken against co- operation necessary to address the COVID-19 crisis. 	https://concurrence.public.lu/fr/actualites/2020/corona virus-update.html https://concurrence.public.lu/dam- assets/fr/actualites/2020/2020-03-31-Document-d- orientation-entreprises-COVID-19.pdf
Malta (MCCAA)	 Operational, likely working remotely. No delays to statutory deadlines announced. 	N/A (except as above regarding the ECN letter)	N/A
Netherlands (ACM)	 Operational, likely working remotely. No delays to statutory deadlines announced. 	N/A (except as above regarding the ECN letter)	° https://www.acm.nl/en/publications/acms-oversight-during-coronavirus-crisis
Norway (NCA)	 Operational, working remotely. No delays to statutory deadlines announced. The transportation sector has been granted a three month temporary exception from the prohibition against anticompetitive agreements and practices 	N/A	 https://konkurransetilsynet.no/the-competition-act-during-the-corona-crisis-a-joint-eu-eea-statement/?lang=en https://konkurransetilsynet.no/the-norwegian-competition-authoritys-work-during-the-coronavirus-pandemic/?lang=en
Poland (OCCP)	 Operational, working remotely. No delays to statutory deadlines announced. 	N/A (except as above regarding the ECN letter)	N/A

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Spain (CNMC)	 Partially suspended, working remotely. The government has legislated for suspensions of merger control deadlines, but "if the interested party requests it, it may be agreed that a certain period is not suspended and adopt the appropriate measures in order to avoid serious damage to the rights and legitimate interests of the administered companies." On April 7, the CNMC stated that although most antitrust investigations are suspended, it will continue investigations if either (i) the parties consent, or (ii) the investigation is essential to the protection of the public interest/basic operations. 	 On March 31, the CNMC created an email for complaints and inquiries related to antitrust enforcement concerning COVID-19 (covid.competencia@cnmc.es) The CNMC has already received more than 50 complaints, and as a result, it is investigating potential profiteering related to the COVID-19 crisis, including: Financial institutions (who may be unlawfully requiring borrowers to take out life insurance to receive state loans for the COVID-19 pandemic); Funeral services; Sanitizers. 	 https://www.cnmc.es/en/node/379630 https://www.cnmc.es/novedad/medidas-covid https://www.cnmc.es/sites/default/files/editor_contenid_os/Notas%20de%20prensa/2020/20200407%20NP%20Balance%20Buz%C3%B3n%20COVID_20200407_eng.pdf https://www.cnmc.es/en/node/379778
Portugal	 Statutory deadlines suspended, but employees are continuing to operate remotely. 	N/A (except as above regarding the ECN letter)	° http://www.concorrencia.pt/vPT/Noticias_Eventos/Noticias/Documents/Plano%20de%20Conting%C3%AAncia%20COVID-19%20- %20Atualiza%C3%A7%C3%A3o.pdf
Slovakia (AMOSR)	 Operational, working remotely. No delays to statutory deadlines announced. 	N/A (except as above regarding the ECN letter)	https://www.antimon.gov.sk/6138-en/amo-sr-has-published-a-joint-statement-by-european-competition-authorities-on-the-application-of-competition-rules-during-coronavirus-crisis/
Slovenia (CPA)	 Operational, working remotely. Parties have been asked not to notify non-urgent mergers. 	N/A (except as above regarding the ECN letter)	o http://www.varstvo-konkurence.si/informacije/novica/obvestilo-o-priglasitvah-in-obravnavi-koncentracij-ter-o-sprejemu-vlog-223/
Sweden (KKV)	 Fully operational. No delays to statutory deadlines announced. 	N/A (except as above regarding the ECN letter)	N/A

Authority	Status	Substantive Response (i.e., relaxation or strengthening of rules)	Relevant links		
	EMEA (outside of the EEA)				
COMESA (CCC)	 Operational, working remotely. Commission has relaxed the requirement to submit a notification within 30 days of the decision to proceed with a transaction. Commission has also noted that the usual 120 day investigation period may need to be extended. 	N/A	° https://www.comesacompetition.org/?cat=5		
Israel (ICA)	 Operational, likely working remotely. No delays to statutory deadlines announced. 	N/A	N/A		
Russia (FAS)	 Operational, likely working remotely. No delays to statutory deadlines announced. 	N/A	N/A		
Saudi Arabia (GAC)	° Operational, working remotely.	N/A	N/A		
Switzerland (WEKO)	 Operational, working remotely. WEKO is not planning to ask merging parties to delay filing new notifications but it does expect to delays to non-merger control proceedings. 	N/A	N/A		
South Africa (CC)	 Operations mostly suspended. In light of the nationwide lockdown, the CC will significantly scale down operations but prioritize all COVID-19 complaints. During this period, the Commission discourages the filing of complaints unrelated to COVID-19 as well as all merger transactions except those involving failing firms or those firms in distress. 	N/A	° http://www.compcom.co.za/wp- content/uploads/2020/03/CCSA-COVID-19-statement- 24-March-202024497.pdf		

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Turkey (TCA)	 Fully operational. No delays to statutory deadlines announced. 	N/A	N/A

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CMA:

- Operational, working remotely.
- The CMA is committed to maintaining all applicable deadlines for ongoing cases, but has stated "at the same time, it will continue to monitor timetables including, as permitted, extending statutory timeframes where necessary."
- On March 24, the CMA indicated that companies with yet-to-be-closed mergers are being told to hold off on formally filing notifications of their deals by the UK's competition regulator in light of the COVID-19 crisis.

On 22 April, the CMA issued guidance on the impact of COVID-19 on merger investigations. The CMA states that statutory deadlines applicable to the CMA have not been altered and that the CMA is not currently asking merging parties to delay their notifications (unless the merger is not particularly well-advanced). The CMA also noted that, although its approach to assessing the circumstances in which a merger causes competition concerns remains unchanged and the CMA will continue to assess deals and take action where it considers it is appropriate to do so, it will "carefully consider the available evidence in relation to the possible impact of Coronavirus on competition in each case".

- The CMA has launched a taskforce to tackle negative impacts within its remit of the COVID-19 pandemic. Will scrutinize market developments to identify harmful sales and pricing practices as they emerge. On April 24, the CMA issued an updated on the taskforce's activities, stating that:
 - As of 19 April, the CMA had received just under 21,000 COVID-19 related complaints, of which 14,000 have come via its dedicated online form.
 - The CMA has written to 187 firms accounting for over 2,500 complaints about large price rises for personal hygiene products, such as hand sanitiser and food products.
 - Complaints relating to cancellations and refunds now account for 4 out of 5 complaints being received.

CAT:

- ° Operational, but delayed.
- Antitrust cases at the Competition Appeal Tribunal may be "disrupted or lengthened" due to the

- The CMA issued an open letter to the pharmaceutical and food and drink industries warning firms that they should not capitalize on the current situation by charging unjustifiably high prices for essential goods or making misleading claims around their efficacy. This suggests scrutiny/enforcement action may be heightened for these sectors.
- On March 25, 2020, the UK's CMA issued guidance on how it will enforce antitrust laws against the background of COVID-19. The CMA confirmed that coordination between firms will not be an enforcement priority where it:
 - is appropriate and necessary in order to avoid a shortage, or ensure security, of supply;
 - is clearly in the public interest;
 - contributes to the benefit or wellbeing of consumers:
 - deals with critical issues that arise as a result of the COVID-19 pandemic; and
 - lasts no longer than is necessary to deal with these critical issues.
- Any activity that seems to be exploiting the situation will be under heightened scrutiny (e.g., price increases for medicine and essentials).
- On May 14, the UK government published an exemption order allowing agreements between dairy produce suppliers and logistics service providers to address the impact of the pandemic on demand in the dairy industry. However the exemption order will not apply to "the sharing between dairy produce suppliers of any information regarding costs or pricing."

- https://www.gov.uk/government/news/covid-19-cma-working-arrangements
- COVID-19: CMA open letter to pharmaceutical and food and drink industries.
- https://www.gov.uk/government/news/cma-launchescovid-19-taskforce?utm_source=99a4cddc-813a-43ed-989cb5072e864fdc&utm_medium=email&utm_campaign= govuk-notifications&utm_content=immediate
- https://www.catribunal.org.uk/about/announcements/practice-direction-relating-covid-19-filing-and-hearing-arrangements-fri
- https://www.gov.uk/government/publications/cmaapproach-to-business-cooperation-in-response-tocovid-19/cma-approach-to-business-cooperation-inresponse-to-covid-19
- https://www.gov.uk/government/news/covid-19-cmaapproach-to-merger-assessments
- https://www.gov.uk/government/news/cma-publishesupdate-on-covid-19-taskforce
- https://www.bailii.org/uk/legis/num_reg/2020/uksi_20 20481_en_1.html

UK (CMA and CAT)

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	COVID-19 outbreak, with any hearings listed by the court subject to confirmation nearer to the time. The CAT said it will consider holding procedural hearings by remote video and audio and said filings to the court should be made electronically. It remains open for now and told parties it was not granting a general extension to proceedings but would consider specific requests, which should be made as early as possible.		
		Asia and Oceania	
Australia (ACCC)	 Operational, mostly working remotely. Non-essential in-person meetings are postponed. ACCC is encouraging parties to consider postponing notification of mergers that are not urgent or are at an early stage without an agreement in place. 	 All foreign investments are to be reviewed by the Foreign Investment Review Board (FIRB), regardless of value or nature of foreign investor, during the crisis. FIRB review periods are extended from 30 days to 6 months, and the reviews for investments that support Australian businesses and jobs will be prioritized. Private health insurers have been granted conditional interim authorization to co-ordinate on providing financial relief to policy holders during the COVID-19 pandemic, and broadening insurance coverage to include COVID-19 treatment, tele-health and medical treatment provided at home. The interim authorization is conditional on details of proposed measures being provided to the ACCC in advance. It also excludes agreements to increase premiums, and specifies that any agreements reached must terminate when authorization ceases. 	 https://www.accc.gov.au/update/covid-19-pandemic-what-it-means-for-accc-merger-clearances-authorisations-notifications-and-ctms https://www.liberal.org.au/latest-news/2020/03/30/changes-foreign-investment-framework https://ministers.treasury.gov.au/ministers/josh-frydenberg-2018/media-releases/changes-foreign-investment-framework https://www.accc.gov.au/media-release/private-health-insurers-to-cooperate-on-covid-19-coverage-and-deferral-of-premiums
Brunei (CCB)	° Operational.	N/A	N/A
(005)	° No delays to statutory deadlines announced.		
China (SAMR)	 Fully operational. SAMR has only halted in-person contact with merging parties – applications and correspondence must be electronic or by post. This has led to minor delays but mergers are being processed much as usual. 	 SAMR has stepped up investigations of anticompetitive conduct during the crisis (e.g., investigating profiteering). 	N/A

Authority	Status	Substantive Response (i.e., relaxation or strengthening of rules)	Relevant links
India (CCI)	 Partially operational, working remotely. Submissions may be made electronically. However there are delays (i.e., most new filings are staying in pre-notification at the moment). With respect to merger control, parties can submit email notifications that qualify for the "green channel". The CCI can approve green channel notifications as soon as they are notified. A transaction is eligible for the "green channel" if there are no horizontal or vertical overlaps between the parties, and the parties' products are not complementary. However, the CCI has wide discretion to determine whether a transaction qualifies for the green channel, and it can void a transaction after the fact. 	 The CCI has indicated that it will not sanction companies engaging in co-ordination necessary and proportionate to address concerns arising from COVID-19. 	 https://www.mha.gov.in/sites/default/files/MHA%20ord er%20dt%2015.04.2020%2C%20with%20Revised%2 0Consolidated%20Guidelines_compressed%20%283 %29.pdf https://www.cci.gov.in/sites/default/files/whats_newdocument/Notice20042020.pdf https://www.cci.gov.in/sites/default/files/whats_newdocument/Advisory.pdf https://economictimes.indiatimes.com/news/economy/policy/competition-commission-cautions-businesses-against-unfair-practices-amid-coronavirus-pandemic/articleshow/75236931.cms
Indonesia (KPPU)	 Operational working remotely. Electronic filings to be accepted, followed by physical submissions. 	The regulator also warned that strict sanctions will be imposed on companies that take advantage of the situation by hoarding food, medical equipment and other essential items.	 https://www.kppu.go.id/id/wp- content/uploads/2020/03/Siaran-Pers-No17_KPPU- PR_III_2020.pdf
Japan (JFTC)	 Operational, working remotely. No delays to statutory deadlines announced. 	N/A	N/A
Laos (LCC)	 Operational. No delays to statutory deadlines announced. 	N/A	N/A
Malaysia (MyCC)	 Operational, working remotely. Office closed until May 12. 	N/A	 https://www.mycc.gov.my/sites/default/files/pdf/newsroom/ANNOUNCEMENT%20mycc.pdf https://www.mycc.gov.my/sites/default/files/pdf/newsroom/ANNOUNCEMENT%2013%20APRIL.pdf
Myanmar (MCC)	 Operational. No delays to statutory deadlines announced. 	N/A	N/A
New Zealand (CC)	° Operational, working remotely	 The CC will relax enforcement action against cooperation between rivals aimed at addressing the COVID-19 crisis. Like other authorities, the CC will focus on companies seeking to take advantage of the crisis. On May 1, the CC issued guidance on permissible cooperation to address the COVID-19 crisis. 	 https://comcom.govt.nz/about-us/covid-19/the-commissions-response-message-to-stakeholders https://comcom.govt.nz/data/assets/pdf_file/0019/2_15812/Business-collaboration-under-COVID-19-guidelines-May-2020.pdf

Authority	Status	Substantive Response (i.e., relaxation or strengthening of rules)	Relevant links		
Philippines (PCC)	° Operations are suspended until quarantine lifted.	N/A	https://phcc.gov.ph/wp- content/uploads/2020/04/Commission-Resolution-No 10-2020 Guidelines AO30_23Apr2020.pdf		
South Korea (KFTC)	 Fully operational. No delays to statutory deadlines announced. With respect to COVID-19, while no procedural changes have been announced, the KFTC is investigating anti-competitive behavior in the face mask market. 	N/A	N/A		
Taiwan (TFTC)	Fully operational.No delays to statutory deadlines announced.	N/A	N/A		
Thailand (OTCC)	 Fully operational. No delays to statutory deadlines announced. 	N/A	N/A		
Vietnam (NCC)	 Fully operational. No delays to statutory deadlines announced. 	N/A	N/A		
Americas					
Argentina (CNDC)	 All procedural deadlines were suspended from March 16-31. No updates have been provided. Only "urgent" submissions will be accepted. 	N/A	N/A		

Authority		Status	Substantive Response (i.e., relaxation or strengthening of rules)	Relevant links
Brazil (CADE)	0	Operational, working remotely.	N/A	 http://en.cade.gov.br/informative-note https://cpj.org/2020/03/brazil-restricts-access-to-government-informationphp
	0	No delays to statutory deadlines announced.		
	0	On March 23, 2020, the Brazilian Government limited access to official records made under Brazil's freedom of information regime. CADE clarified that this measure does not alter antitrust and merger control deadlines.		
	0	Proposed legislation would suspend notification requirement for associative agreements, consortia and joint-ventures until October 31, 2020.		
Canada (Competition Bureau)	0	Operational, working remotely.	The Bureau will scrutinize any evidence that companies or individuals have violated Canada's competition laws, including deceptive marketing practices and collusion by competing businesses (source).	° https://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/04523.html
	0	Bureau may ask merging parties to make contact in advance for complex matters.		
	0	Investment Canada Act reviews are not affected.		
Mexico (COFECE)	0	Operational, working remotely	N/A	N/A
	0	Review of merger filings remains on schedule.		
Peru (Indecopi)	0	Operations suspended.	N/A	 https://www.indecopi.gob.pe/buscadorhome/- /journal_content/56/1902049/4455398