

COMPETITION AUTHORITY MERGER FILING STATUS DURING COVID-19*

Last updated: 6/17/20

Country	Update
Albania	Accepting filings and submissions via email only until further notice. For now, no impact on filing and review deadlines. It is still uncertain whether the case handlers are actually operative or not.
Angola	Only electronic notifications are accepted. In-person meetings are suspended.
Argentina	All proceedings and/or procedural deadlines set out by the merger regulation are suspended until March 31. Suspension may be extended. During suspension, minimum service and restricted assistance, limited only to urgent matters, are available.
Australia	Timelines for some reviews are likely to be extended, and parties are encouraged to consider deferring non-urgent applications. In the event of significant delays, given Australia's voluntary merger process, there is potential for some deals to proceed without clearance—particularly for distressed assets. The threshold for notification to the Foreign Investment Review Board (FIRB) has been reduced to \$0. In practice, this change creates an obligation to notify the competition authority for all transactions notified to the FIRB. Non-essential meetings with parties are cancelled.
Austria	Businesses in Austria may now submit their merger notifications electronically. For notifications before April 30, the merger control deadline will start running from May 1. All meetings and hearings can take place in person as of May 18.

Belgium	<p>Closed until further notice, but will continue to handle cases.</p> <p>Non-urgent merger reviews will be delayed.</p>
Bosnia-Herzegovina	<p>Merger filings and submissions accepted via email only.</p> <p>For now, no impact on filing and review deadlines.</p>
Botswana	<p>All activities are suspended. The review of notified mergers is interrupted and the competition authority no longer accepts new notifications.</p>
Brazil	<p>No requests so far for parties to postpone notifications, and review periods remain unchanged. Until October 31, 2020, the mandatory notification of joint ventures and collaborative contracts is suspended.</p> <p>Meetings are being held via videoconference and competition authority personnel are working remotely.</p> <p>There are delays in the merger review process due to the difficulty in obtaining data from companies.</p>
Bulgaria	<p>Filings can still be made in the office, but electronic filing or filing by mail is recommended.</p> <p>Case checkups should be done primarily through the contact details given for the proceedings.</p> <p>Hearings on appeals of decisions have been postponed.</p>
Canada	<p>Currently operational, receiving filings, and proceeding to assess notified transactions.</p> <p>Normal service standard timetables for notifiable merger reviews may not be able to be met.</p> <p>Filings can continue to be made electronically.</p>
CEMAC	<p>All meetings are suspended. The competition authority still accepts notifications but delays in review are likely.</p>
Chile	<p>No delays at this stage given implementation of an online procedure to move the merger control proceedings forward.</p> <p>Clearances earlier than the deadline are unlikely.</p>
China	<p>Functioning as usual with no significant differences on the merger review timeline. The offices have reopened.</p> <p>Submissions are being accepted by email. The review process is not impacted.</p> <p>Expedited review is possible for sectors severely affected by the pandemic or closely related to COVID-19 prevention and basic livelihood.</p>
Colombia	<p>The competition authority has fully reactivated merger control procedures, including deadlines for ongoing applications and reception of new filings as of May 12, 2020.</p>

COMESA	It is possible to only file a notification electronically. Parties will not be penalized for failure to file a complete notification within the required 30 days of their decision to merge as long as they inform the competition authority. Meetings will take place through videoconferencing. The review process may be longer than the regulatory 120 days.
Croatia	Accepting filings only by email or post. Review deadlines should not be affected. All meetings are cancelled until after April 20.
Czech Republic	Merger filings will not be affected, since they are generally submitted via electronic data box. Deadlines should not be affected.
Denmark	Merger review deadlines are suspended until June 8.
Ecuador	Experiencing severe delays in its merger review process. Established a fast track procedure for controlling companies that do not directly or indirectly conduct business in Ecuador; merging companies with less than a 30% combined share in all relevant markets in Ecuador; and for deals with a credible failing-firm defense.
Egypt	Notifications must be done electronically.
Eswatini	Notifications must be done electronically.
European Union	The European Commission is encouraging merging companies to delay non-urgent requests for approval but is otherwise operational remotely. Submissions and notifications are electronic only.
France	Companies have been asked to delay non-urgent merger plans as usual deadlines cannot be guaranteed. The regulatory review period is suspended until June 24. However, the authority strives to continue its reviews within the usual timeframe.
Finland	Phase II review period is extended by 23 working days (from the current 69 working days) due to the difficulties that the competition authority has experienced in its review process during the pandemic. This is in force until October 31, 2020.
Germany	Announced that its current operating capacity is "ensured." Deadlines can be met by sending a fax; in-person visits are not allowed.
Greece	Members are working remotely until April 30. Electronic filings only.

	<p>Statutory binding deadlines continue to apply.</p> <p>Scheduled meetings and conferences to be held via videoconference.</p>
Hungary	<p>Accepting written filings and submissions electronically or by post only.</p> <p>Deadlines are not currently affected; however, clearance phase II cases may take longer than usual.</p> <p>Personal hearings at the authority and before courts are suspended.</p> <p>Pre-notification talks can be conducted via phone.</p>
India	<p>Merger filings and filing fees payments must be done electronically. Meetings with the authority are to be conducted via teleconference.</p> <p>An email address has been created for "green channel" transactions (i.e., transactions occurring between parties whose activities are neither competing nor complementary. These are deemed approved upon notification).</p>
Indonesia	<p>Companies should still follow post-merger notification deadlines, even though clarification and assessment activities are suspended until at least the end of April.</p>
Ireland	<p>Parties are asked to delay filing where possible; however, there is no obligation to do so (and there seems to have been a number of filings made in recent days).</p> <p>Filings should be made in electronic form. Hard copy is also accepted, but they note this will become more and more difficult due to lockdown restrictions.</p>
Israel	<p>Still accepting merger control notifications and proceeding with the review process of notifications already filed.</p> <p>Israeli merger control regime still applies to relevant transactions, and merger thresholds have not been changed.</p> <p>Distressed companies about to be acquired are encouraged to discuss tailor-made solutions. Electronic filing is possible in any case.</p>
Italy	<p>No changes regarding the competition and consumer protection procedures have been announced.</p>
Japan	<p>The competition authority recommends that filings be made by postal mail. Communications will be done electronically rather than in person.</p> <p>Early clearance is unlikely.</p>
Kenya	<p>Meetings must be held through teleconferencing. Filings can be submitted electronically.</p>
Kosovo	<p>No specific information is publicly available; deadlines should not be affected.</p>
Malawi	<p>The competition authority is functioning as usual.</p>

Malaysia	<p>Closed until March 31.</p> <p>The process for the response(s) to inquiries and complaints will be longer than usual.</p> <p>All scheduled activities and programs have been postponed until further notice.</p>
Mexico	<p>The competition authority has issued an official communication suspending legal terms for various procedures, but merger control is not included.</p> <p>Staff will not be taking in-person meetings and the authority is considering implementing remote working for its staff.</p>
Montenegro	<p>Operational; accepting filings and submissions by email only.</p> <p>Review deadlines should not be affected.</p> <p>Meetings with the parties are prohibited.</p>
Namibia	<p>Merger notifications may be submitted electronically, but hard copies will have to be submitted once the state of emergency is over.</p>
New Caledonia	<p>Closed to the public until further notice.</p> <p>Telephone and videoconferencing are being used to ensure the compliance with deadlines for compulsory notices and competition decisions.</p>
Nigeria	<p>The competition authority accepts merger notifications deemed "sensitive and urgent."</p>
North Macedonia	<p>No specific information is publicly available.</p> <p>Review deadlines should not be affected.</p>
Philippines	<p>The competition authority has resumed its activities. Interim merger review guidelines are in place and require parties to submit their notifications electronically. Hard copies will have to be submitted once the quarantine is lifted. The 30-day notification period is waived as long as notification is made before closing.</p>
Poland	<p>No specific information is publicly available.</p>
Portugal	<p>Merger notifications and all other documents related to M&A deals can now only be filed online.</p>
Romania	<p>Merger filings can be submitted via email and/or registered mail.</p> <p>There is no clarity on how this may affect review deadlines.</p>
Russia	<p>There is no indication that the competition authority or other federal regulatory authorities will suspend their work or make any changes in their processes.</p>

	Online submissions are available though as a matter of practice the authority prefers hard copies. Currently, the authority accepts notifications through a special mailbox and obtaining physical evidence of submission is not possible.
Serbia	Operational; accepting merger control filings in person during regular business hours and other submissions by email. Filing and review deadlines should not be affected. All meetings have been cancelled.
Seychelles	The competition authority is functioning as usual.
Slovakia	Electronic or telephone communications and electronic submissions of any filings are preferred. Statutory deadlines should not be affected.
Slovenia	Operational; accepting notifications, but companies have been urged to delay merger notifications. Companies have been notified that decisions could be delayed. Parliament has recently adopted legislation that will suspend the deadlines in the proceedings before the competition authority, including the merger notification deadlines. The legislation is expected to go into force on March 28.
South Africa	Still receiving filings. However, the competition authority recommends that only mergers involving distressed companies and assets be notified as it will focus on COVID-19 related matters. All in-person meetings have been cancelled.
South Korea	Accepting new merger filings. Case handlers at the M&A Division are working remotely this week. A number of case hearings have been postponed. Therefore, if a merger case is expected to require a hearing, the process may be delayed.
Spain	All deadlines are suspended. All communications have to be made via the electronic register.
Switzerland	Proceedings in front of the competition authority have been suspended until after April 19.
Taiwan	Accepting merger control notifications and proceeding with the review process of the notifications already filed. No electronic notifications at this time.
Tanzania	The competition authority is functioning as usual.
Tunisia	All activities have been suspended until April 18.

Turkey	Things have slowed down but the competition authority has not stopped its activity. It recommends filings be made online but still accepts hard copy filings.
Ukraine	Operational; weekly hearings are scheduled as usual.
United Kingdom	<p>The authority said they continue to "progress cases, make decisions and meet deadlines," and that it will review its practices and protocols as the situation develops. Some aspects of investigations, in particular, the pre-notification process, may be subject to some delay.</p> <p>No plans to stop the clock on its current merger deadlines, but the authority may do so if the parties are unable to provide requested information within the statutory deadline.</p> <p>Companies with yet-to-be-closed mergers are being asked to consider holding off on formally filing notifications of their deals.</p> <p>Oral hearings and meetings are being conducted remotely.</p>
United States	<p>All employees are working remotely, and all internal and external meetings will be handled by telephone or videoconference.</p> <p>The US Department of Justice Antitrust Division is considering changes to the statutory or agreed-to timing of investigations.</p> <p>The US Federal Trade Commission has implemented an e-filing system for merger notifications. The FTC and DOJ have resumed the practice of granting early termination of the HSR Act's waiting periods as of March 30, once they have determined that no enforcement action will be taken during the waiting period.</p>
Zambia	The competition authority is functioning as usual.
Zanzibar	The competition authority is functioning as usual.
Zimbabwe	The competition authority does not accept new notifications.

* The information in this chart is believed to be current and accurate as of the date above. However, given the COVID-19 pandemic, the status and policies of the individually identified competition authorities are evolving quickly and cannot always be verified. Parties that have critical deadlines pending in any of these jurisdictions should independently verify the information provided and/or request that Morgan Lewis do so on their behalf. We can coordinate with counsel in each jurisdiction upon request.