

CLIENT ALERT

European Merger Control in Times of COVID-19: Delays Until Further Notice

Apr.24.2020

As many are working from home, so are the officials from the European Commission and many national competition authorities. These new working arrangements pose some challenges to the functioning of the authorities, and in particular to merger control proceedings in which they are bound by strict deadlines. Some competition authorities already suspended these deadlines. Others are asking companies to hold off on new merger notifications. Below we provide you with an overview of the measures announced as of April 24, 2020.

The [European Commission](#) encourages companies to delay merger notifications originally planned until further notice, where possible. The Commission expects delays in the collection of information from third parties, such as customers, competitors and suppliers. In addition, Commission officials may face some challenges accessing information as they are working remotely as of March 16, 2020. The Commission reportedly suspended three Phase II merger investigations due to companies failing to comply with information deadlines.

The [Belgian Competition Authority](#) also encourages companies to delay merger notifications when they are not urgent. A similar statement was made by the [German competition authority](#) and the [Lithuanian competition authority](#). Likewise, the competition authority in [Ireland](#) called on companies to delay filing until further notice. Where it is not possible to delay notification, the authority requests notifications be submitted in electronic format.

The [Austrian competition authority](#) has not requested to delay merger notifications, but the review period for mergers which were notified between March 23 and April 30, will only start running on May 1, 2020 (including applications to initiate Phase II) ([here](#)).

The [Danish competition authority](#) has suspended deadlines for merger control until May 10. The Italian competition authority previously suspended all deadlines from February 23 until April 15. The suspension has been further extended by a month to May 15. The [French competition authority](#) has suspended merger control deadlines as of March 12, 2020 until one month after the expiration of the state of emergency. Likewise, the deadlines in [Serbia](#) have been suspended as of March 24, 2020 until 30 days from the termination of the state of emergency.

In [Poland](#), legislation was passed which suspended deadlines for mergers notified before March 14 and deadlines for mergers notified after that date will only start running after the state of emergency has ended. In [Norway](#), merger deadlines have temporarily been extended due to the COVID-19 outbreak. The new deadlines apply until October 31, 2020.

The [Spanish competition authority](#) announced interruptions and delays in administrative proceedings due to the state of alarm in the country. It remains possible to continue proceedings to avoid harming the legitimate interests of the parties, or in situations closely linked to the state of alarm (e.g. to protect the general interest or the functioning of basic services). The [Portuguese competition authority](#) is also impacted by the state of emergency in the country. All statutory deadlines have been suspended from March 13, 2020, but the authority continues to conduct its operations.

The Czech competition authority does not plan to ask companies not to file new notifications as they hope to manage them within normal time limits. Neither does the Latvian authority, which has not announced any possible delays. In Sweden, the review periods also remain unaffected. The same goes for the Swiss and UK competition authorities which will continue to monitor the situation. However, we understand the UK authority has encouraged companies in individual cases to hold off on formally filing merger notifications.

Crowell & Moring will continue monitoring developments in this area and provide regular updates.

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