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Antitrust Case Laws e-Bulletin

Competition Law & Covid-19

Maps & COVID-19: The global impact of COVID-19 on competition law enforcement

EXCESSIVE PRICES, STATE AID (NOTION), MERGER NOTIFICATION, GEOGRAPHIC MARKET, FOREWORD, COOPERATION AGREEMENT, MERGER (NOTION), STATE AID (NOTIFICATION), EXEMPTION (INDIVIDUAL), STATE AID (NEW), STATE AID SCHEME, COVID-19

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Introduction

In March 2020 the World Health Organisation declared the COVID-19 outbreak a pandemic, and governments around the globe imposed lockdowns and other measures to contain the spread of COVID-19. Since then, national governments and competition authorities worldwide have had to balance the impact of the subsequent economic downturn with the need to maintain effective supply chains and the proper functioning of markets and competition. This has resulted in an unprecedented number of rapid responses and initiatives by competition agencies and governments around the world in response to the pandemic in the areas of antitrust and merger control, and in the EU on State aid.

- **Antitrust/collaborations:** The need to allow some level of competitor cooperation in order to keep vital supply chains (such as food and medical supplies) intact arose early on. By late March, numerous competition agencies had provided general guidance on what constitutes permissible cooperation during the pandemic, seeking to clearly distinguish such conduct from cartelisation which remains prohibited. According to our research and the *Concurrences* database, as of 19 June 2020, **34** competition authorities have published COVID-related guidance on competitor collaboration. Additionally, the authorities in **12** jurisdictions have given express permission for competitors to cooperate, sometimes addressed to individual companies in the form of comfort letters, and sometimes in the form of sector exemptions that apply to entire industries.
- **Antitrust/exploitative practices:** COVID-19 has given rise to extreme price volatility, leaving competition agencies with the challenge of distinguishing price changes driven by genuine supply and demand shocks from those that are no more than the opportunistic exploitation of trading partners and consumers. Because of the different legal tools available, competition and consumer protection agencies have taken different approaches to the policing of exploitative profiteering practices. Some authorities are applying existing consumer protection laws against exploitative pricing or misleading advertising, some are relying on competition laws which prohibit abusive pricing practices by dominant undertakings, and yet others are using price gouging laws that apply in times of crisis. Amendments to legal rules in order to more effectively capture and prosecute pricing abuses during the pandemic have been common, though some authorities have preferred simply to adjust their economic analyses to account for the current market climate by introducing concepts such as temporary dominance.
- **Merger control:** In the area of merger control, even though many competition agencies acted quickly by introducing new e-filing and videoconferencing capabilities, review timelines and processes have inevitably been affected, as agencies have had to take measures such as asking parties to hold off on filing, prioritising transactions that have been formally filed over those that are still at pre-notification stage, and suspending or extending review periods. While competition agencies have been clear that they will not give merging parties an easier ride on the substantive assessment of transactions, similar to the approach after the 2008 financial crisis, the economic downturn has seen merging parties invoke the so-called “failing firm” defence in an increasing number of cases.
- **State aid/subsidies:** The European Commission (“EC”) has been very active in the area of state aid, where it has approved, often within days of being notified, state aid proposals for all EU member states (“MS”), totalling **215 schemes** as of 19 June 2020. The vast majority of these schemes (**89%**) were approved under the state aid temporary framework, which was introduced on 19 March 2020, extended on 3

April 2020 and 8 May 2020, and which the EC is now considering extending further.

To provide an overview of global developments to date which shows “at a glance” the intensity of COVID-related authority and government activity, the BCLP Antitrust & Competition team has created four “Tracker Maps” which track and summarise key points of government and authority action in the areas of antitrust and merger control globally and State aid in the EU. This article provides further context and elaboration of the points noted in the Tracker Maps. [1]

1. Antitrust

How have competition authorities addressed competitor cooperation during COVID-19?

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EU: EXEMPTION/AUTHORISATION – The European Commission (“EC”) has issued a [comfort letter](#) in the pharmaceuticals sector and has given [express permission](#) to cooperation in the agri-foods sector.

GUIDANCE – The EC has published a [temporary framework](#) to provide guidance on cooperation (which it has amended twice), and has set up a [website](#) and [email address](#). The European Competition Network (“ECN”) has issued a [joint statement](#) with general guidance.

Canada: **GUIDANCE** – The Competition Bureau has issued [guidance](#) on permissible cooperation.

United States: EXEMPTION/AUTHORISATION – The Department of Justice (“DoJ”) has issued three business review letters: two for [medical suppliers](#) and one for [pork producers](#).

GUIDANCE – The DoJ and the Federal Trade Commission (“FTC”) have [jointly announced](#) an expedited (w/in seven days) antitrust review process and have provided general guidance.

UNCTAD: **GUIDANCE** – Has [recommended](#) that governments temporarily allow cooperation arrangements necessary to ensure the supply and distribution of affordable products to consumers to prevent shortages.

ICN: **GUIDANCE** – The ICN Steering Group has issued a [statement](#) addressing key considerations related to competition law enforcement during and after the COVID-19 pandemic.

UK: EXEMPTION/AUTHORISATION – The government has adopted exemptions in the form of [public policy exclusion orders](#) in the groceries, dairy, Solent maritime crossings and health sectors

GUIDANCE – The Competition and Markets Authority has issued [guidance](#) on cooperation.

Germany: EXEMPTION/AUTHORISATION – The Bkarta has [exempted](#) certain types of cooperation between automotive firms from antitrust enforcement.

Russia: **GUIDANCE** – The FSA has issued [guidance](#) on permissible cooperation.

China: **GUIDANCE** – The SAMR has issued general [guidance](#) on cooperation and compliance inquiries.

Hong Kong: **GUIDANCE** – CompComm has issued [guidance](#) on permissible cooperation.

Japan: **GUIDANCE** – The JFTC has made reference to [guidance](#) on cooperation it had provided during the 2011 earthquake, and has provided [further guidance](#).

Australia: EXEMPTION/AUTHORISATION –The ACCC has authorised instances of cooperation in the [life insurance, health insurance, business insurance, loans/banking, health care/hospitals, oil & gas, retail/food, telecoms, and airline](#) industries.

Brazil: EXEMPTION/AUTHORISATION – CADE has [permitted cooperation](#) among a number of competitors in the food and beverages sector.

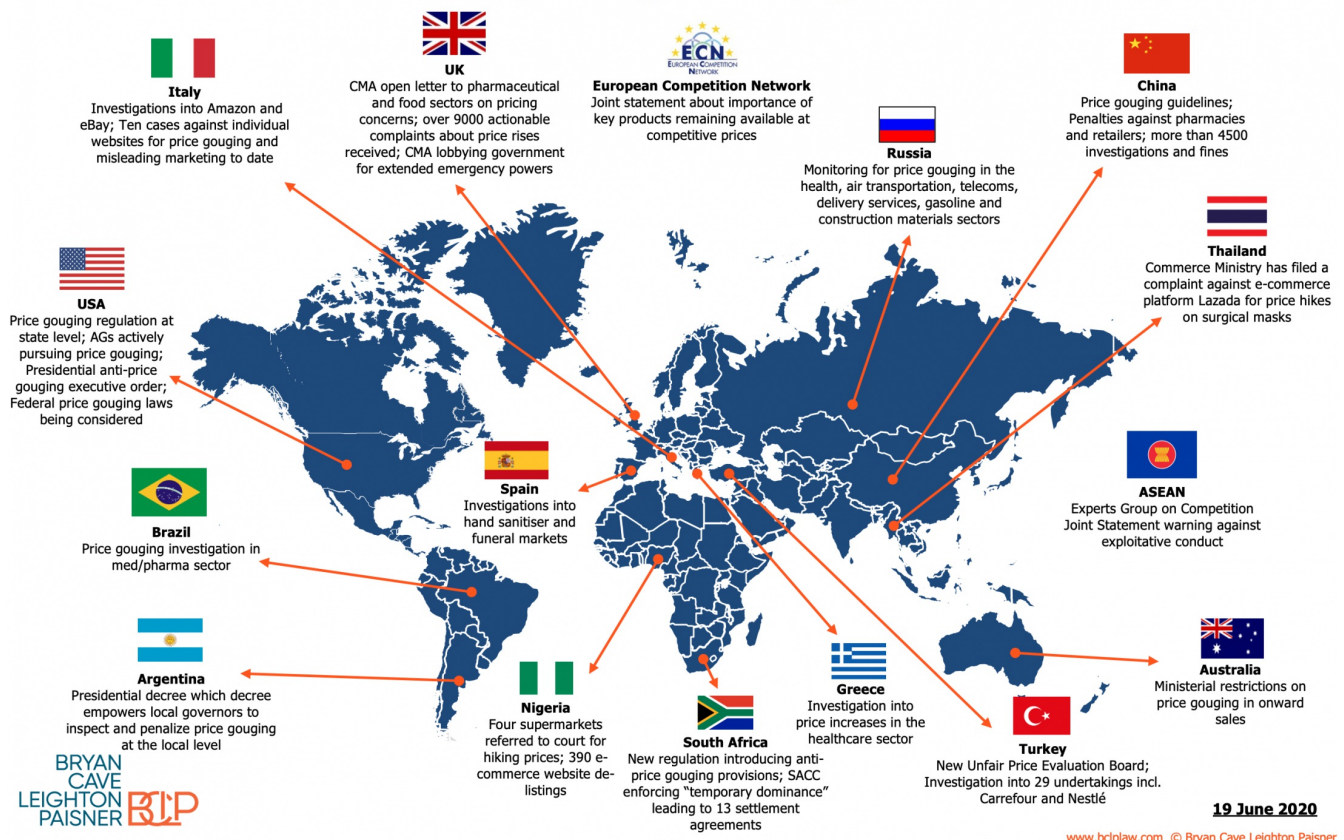
South Africa: EXEMPTION/AUTHORISATION – The government has adopted exemptions for agreements in the [hotel, retail, banking and healthcare](#) sectors.

New Zealand: **GUIDANCE** – CC has published general [guidance](#) on permissible business collaborations.

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19 June 2020

What measures have competition authorities taken to address exploitative practices during COVID-19?



1a. EMEA

i. Competitor Collaborations

The European Competition Network ("ECN") which consists of the EC and the national competition authorities ("NCAs") of all EU MS issued a short joint statement on 23 March 2020 which stated that the ECN would "not actively intervene against necessary and temporary measures put in place in order to avoid a shortage of supply", encouraging companies to seek informal guidance from their respective NCAs and the EC/EFTA Surveillance Authority where appropriate. [2]

On 8 April 2020, the EC built upon this initial statement by the ECN in a temporary framework communication by providing a list of the main criteria which it would follow in assessing particular instances of cooperation. [3] Specific to the health sector, the EC explained that efforts to coordinate joint transport for input materials, to identify medicines for which there is a risk of shortage, to aggregate production and capacity information (without exchanging individual company information), and to share information to identify supply gaps, may be permissible.

According to our research and the Concurrences database, general COVID-related guidance was also provided by EMEA competition authorities in the UK [4] and Channel Islands, [5] Italy, [6] Spain, [7] Portugal, [8] Greece, [9] the Netherlands, [10] Finland, [11] Luxembourg, [12] the Czech Republic, [13] Bulgaria, [14] Romania, [15] Lithuania, [16] Denmark, [17] Austria, [18] Switzerland, [19] Russia, [20] Mauritius, [21] Egypt, [22] and Nigeria. [23]

Of these, some NCAs chose to specify particular sectors in which cooperation may be necessary, and therefore more likely to be permissible. For example, Italy's *Autorita' Garante della Concorrenza e del Mercato* ("AGCM") specified the pharmaceuticals and food sectors, and so did Bulgaria's Commission on Protection of Competition ("CPC"), Romania's *Consiliul Concurenței* ("CC") and the Dutch *Autoriteit Consument en Markt* ("ACM"). Portugal's *Autoridade da Concorrência* ("AdC") additionally referred to the financial sector.

Apart from providing general guidance, the EC has also introduced a temporary process through which companies can request ad hoc written comfort in relation to specific cooperation projects. The EC provided such a comfort letter to Medicines for Europe on 8 April 2020, [24] giving express permission to cooperation practices aimed at responding effectively to challenges regarding shortages of medicines. On 22 April 2020, the EC additionally permitted, under Article 222 of the Common Markets Organisation Regulation, cooperation in the milk, flower and potato sectors, though without issuing a comfort letter. [25]

On 21 April 2020, the Dutch ACM gave health insurers permission to make collective arrangements to provide financial support to health care providers during the COVID-19 crisis. [26]

On 22 April 2020, the French Autorité de la concurrence ("AC") provided permission for a trade association (*Rassemblement des Opticiens de France*) to support its members in their dealings with lessors concerning commercial rents. [27]

On 1 June 2020, the Italian AGCM authorised a cooperation project between Italian associations of pharmaceutical distributors (e.g. *Associazione Distributori del Farmaco, Federfarma*) which included joint purchasing arrangements. [28]

On 9 June 2020, the German *Bundeskartellamt* ("BkartA") exempted certain types of cooperation between automotive firms from antitrust enforcement. [29] The German Association of the Automotive Industry had notified BkartA of its proposed "Corona restructuring process", which involved member companies setting up stakeholder groups and exchanging information on solvency, credits, aid measures or operational problems for a short period of time in order to develop joint restructuring measures.

The UK government has passed public policy exclusion orders in the grocery, dairy, Solent maritime crossings and health sectors. [30] These orders relax UK competition rules for certain agreements which might normally be considered anti-competitive. In order to qualify for exclusions under the orders, agreements must be notified. To date, there have been 13 notifications under the groceries order, two notifications under the Solent maritime crossings order, and three notifications under the health services orders.

The South African government has issued block exemptions in the healthcare, [31] banking, [32] retail [33] and hotel [34] sectors. Consequently, certain specified categories of agreements that are covered can involve types of coordination which might otherwise be caught by section 4 of the Competition Act. For example, under the healthcare block exemption, agreements with a view to coordinating capacity, utilisation and the transferring of doctors can be entered into without concerns that they might be in breach, provided that they are undertaken in coordination with the Department of Health.

On 19 March 2020, the Norwegian government granted the transportation sector a three month-long temporary exception from the prohibition against anticompetitive agreements and practices in the Norwegian Competition Act, on condition that the Norwegian competition authority *Konkurransetilsynet* ("NorCA") be notified. [35]

The Icelandic *Samkeppniseftirlitið* ("ICA") has provided a number of exemptions, among them exemptions to certain travel agencies, importers and distributors of pharmaceuticals, distributors of fuel, and some financial institutions. [36]

ii. COVID-19 Exploitative Practices

In its statement of 23 March 2020, the ECN emphasised that "it is of utmost importance to ensure that products considered essential to protect the health of consumers in the current situation (e.g. face masks and sanitising gel) remain available at competitive prices". [37]

The imposition of excessive purchase or selling prices is an example of an abuse of a dominant position under Article 102 TFEU which the EC can enforce against when it involves cross-border trade. However, within the EU, "virus profiteering", including by small companies and individuals, seems to have occurred largely at local level resulting in the policing of such abuses falling to competition and consumer protection authorities to address at the national level.

In the UK, on 5 March 2020, the Competition and Markets Authority ("CMA") issued a statement setting out that it intends to take a vigilant approach towards profiteering practices during the COVID-19 pandemic, that it will use all the competition and consumer protection tools at its disposal, and that it will assess whether it should advise government to consider taking direct action to regulate prices. [38] On 20 March 2020, the CMA penned an open letter to the pharmaceutical and food sectors outlining concerns regarding reports of "a minority of firms ...seeking to capitalise on the current situation by charging unjustifiably high prices for essential goods". [39] According to statistics published by the CMA's COVID-19 taskforce, between 10 March 2020 and 17 May 2020, the CMA had received over 9,000 actionable complaints about price rises. [40] The CMA has now reportedly lobbied the UK government for emergency powers to crack down on companies profiteering from the pandemic after finding existing laws unsuitable for the current circumstances. [41]

The AGCM in Italy has a dual mandate to enforce both consumer protection and competition law, and has been very active in policing abusive

pricing practices. However, as the AGCM has no power to police pricing directly under consumer protection law, and because the dominance requirement under competition law makes it difficult to pursue conduct undertaken by small companies and individuals, the AGCM has expansively applied provisions on false or misleading advertising under consumer law. On 12 March 2020, the AGCM started two separate investigations about unfair pricing practices into several companies in the Amazon group (Amazon Italia Customer Service, Amazon Eu, Amazon Service Europe) and the eBay group (eBay Italia and eBay GmbH) regarding marketing of hand sanitiser/disinfectant products, respiratory tract protection masks, and other hygienic products. [42] Separately, the AGCM has published information about ten other cases in which it has pursued websites for consumer law infringements (e.g. misleading marketing), often ordering the removal of particular items from e-commerce sites or even ordering full site shutdowns, capturing pricing abuses as a result.

On 16 March 2020, the Competition Authority of Kenya (“CAK”) sanctioned a supermarket for raising prices of hand sanitisers. [43]

On 21 March 2020, the Hellenic Competition Commission (“HCC”) in Greece stated that it is conducting an inquiry into possible price increases in the healthcare sector. [44]

On 23 March 2020, the Competition and Fair Trading Commission of Malawi (“CFTC”) ordered 11 pharmacies from Lilongwe and Blantyre to immediately stop excessive pricing of hand sanitisers, face masks and gloves. [45]

On 7 April 2020, Spain’s *Comisión Nacional de los Mercados y la Competencia* (“CNMC”) announced that it is investigating possible anticompetitive practices, including price increases, connected with COVID-19 in the production chain of hand sanitisers and in the funeral market. [46]

In Turkey, on 17 April 2020, authorities amended existing consumer law and created a new administrative board, the Unfair Price Evaluation Board, which monitors for unfair prices. Separately, on 7 May 2020, the Turkish Competition Authority *Rekabet Kurumu* (“RK”) decided to launch an investigation of 29 undertakings (incl. Carrefour, Metro, Colgate-Palmolive, Johnson & Johnson, Procter & Gamble, Nivea Beiersdorf, Unilever and Nestlé), [47] looking for violations of Law No. 4054 on the Protection of Competition, which includes an abuse of dominance provision under Article 6.

The Russian Federal Antimonopoly Service (“FAS”) is actively monitoring for price gouging in the air transportation markets, telecoms sector, delivery services sector, in the gasoline market, and in the construction materials sector. [48]

In Nigeria, the Federal Competition and Consumer Protection Commission (“FCCPC”) Chief Executive Officer Babatunde Irukera has issued several clear warnings against profiteering practices. [49] The FCCPC has formed a special investigation team to monitor pricing abuses, has referred four supermarkets and their pharmacy distributors to court for conspiring to hike prices and price gouging, [50] and has caused JUMIA (an e-commerce platform) to delist 390 products belonging to 168 sellers of hand sanitisers and face masks from its platform because they had arbitrarily increased prices. [51]

The Minister of Trade and Industry in South Africa introduced the Consumer and Customer Protection and National Disaster Management Regulations on 19 March 2020, which amended competition and consumer protection legislation by introducing price gouging provisions which set out prima facie indications of what constitutes an excessive price by reference to current margins as compared to margins in the three months prior to 1 March 2020. Since April 2020, the Competition Commission (“SACC”) has very actively pursued a number of companies, and particularly pharmacy operators, for excessive pricing especially of face masks, surgical gloves and hand sanitisers. Notably, on 20 April 2020, the Competition Tribunal (“CT”) approved a settlement agreement between SACC and a pharmacy operator t/a “Centrum Pharmacy”, in which it adopted “temporary market power” analysis to find that Centrum Pharmacy was dominant because of changed market circumstances caused by the pandemic. In this way dominance could be established and therefore competition law could be applied. By 22 May 2020, the SACC had received over 1300 complaints of price gouging. [52] By 12 June 2020, the CT had approved 13 separate settlement agreements.

1b. Asia-Pacific

i. Competitor Collaborations

Competition authorities in the Asia-Pacific region have also been active in providing guidance on cooperation, and in issuing permissions.

The Hong Kong Competition Commission (“HKCC”) provided its guidance on 27 March 2020, signalling that it would be taking a pragmatic approach to cooperation aimed at maintaining the supply of essential goods and services to consumers, and indicating specifically that arrangements such as joint buying agreements, joint production agreements, sales-related joint ventures, and exchanges of information, may be permissible if necessitated by COVID-19. [53]

China's competition authority, the State Administration for Market Regulation ("SAMR") provided general guidance on 4 April 2020, announcing that it would provide exemptions for collaborations that are beneficial to technological progress, improvements in efficiency, and the pursuit of the consumer and public interest. [54]

Early on in the crisis, the Japanese government referred companies to a Q&A on cooperation in times of crisis that had originally been published in response to the Great East Japan Earthquake in 2011. Later, on 28 April 2020, Japan's Kōsei Torihiki linkai ("JFTC") provided guidance in a further press release, reiterating that temporary cooperation between competitors during the COVID-19 pandemic to ensure the efficient distribution of essential goods and services would not be considered a violation of antitrust laws. [55]

The Competition Commission of India ("CCI") issued formal advice on 19 April 2020. [56] The CCI advisory listed the sharing of data on stock levels and operation timings, the sharing of distribution networks and infrastructure, and coordination on logistics, production, and research and development in the health sector as examples of allowable conduct.

New Zealand's Commerce Commission ("NZCC") published guidance on how it would assess business collaborations reached in response to COVID-19 on 1 May 2020. The guidance note sets out a list of factors that the NZCC will take into account in the exercise of its discretion. These include whether the measures taken are new, taken in good faith, taken in response to the current circumstances, relate to essential goods or services, are directed at benefitting consumers, limited in scope and duration, reviewed for necessity on an ongoing basis, and inclusive towards smaller or independent businesses should they wish to be involved. [57]

The Australian Competition and Consumer Commission ("ACCC") stated in a press release on 27 March 2020 that it would continue to actively engage with businesses about potential authorisations that support coordination between competitors that is ordinarily prohibited but which is necessary and in the public interest in light of COVID-19. [58] According to our research and the Concurrences database, as of 19 June 2020, the ACCC has given express permission on 26 occasions, which include permissions in the life insurance, health insurance, business insurance, loans/banking, health care/hospitals, oil & gas, retail/food, telecoms, and airline industries.

ii. COVID-19 Exploitative Practices

On 1 February 2020, China's SAMR published guidance on its investigative practices in relation to price gouging, [59] making reference specifically to its willingness to use China's Price Law to pursue unjustifiable price increases, hoarding, tying and misinformation. On 12 February, the SAMR announced that seven sets of administrative penalties had been levied against various local pharmacies and retailers by local authorities. [60] According to the State Council Information Office, as of 24 February 2020, more than 4,500 enterprises had been investigated and fined, and over 11,000 cases had been filed alleging price gouging of medical protective equipment and other important commodities. [67] Overall, it appears that Chinese authorities have had recourse to pricing regulation in preference to utilising competition law to pursue pricing abuses.

On 27 March 2020 in a press release, [62] the Australian ACCC identified price gouging as a significant public concern, and on 8 April 2020, ACCC Chair Rod Sims elaborated that the ACCC cannot prevent or take action to stop excessive pricing, as it has no role in setting prices. However, in some circumstances, excessive pricing may be unconscionable, for example where the product is critical to the health or safety of vulnerable consumers. If a business makes misleading claims about the reason for price increases, it will be breaching the Australian Consumer Law. [63] Separately, on 30 March 2020, the Minister for Health made a determination under the Biosecurity Act 2015 prohibiting price gouging by preventing people who have purchased essential goods at retail to sell them on at extortionate prices. The Health Minister's requirement prevents a person who has purchased essential goods at retail on or after 30 January 2020, and for the duration of the human biosecurity emergency period, from selling or offering to sell these goods for more than 120% of the price for which they were purchased. [64]

On 1 May 2020, Fiji's Competition and Consumer Commission ("FCCC") charged 20 traders for various breaches of the FCCC Act 2010, with some found to be selling retail price-controlled items at an excessive price. [65] On 28 May 2020, the FCCC took action against nine further traders for violating the FCCC Act 2010. [66]

On 9 June 2020, the ASEAN Experts Group on Competition ("AEGC") issued a joint statement, calling on all business sectors to continue to comply with competition law despite the current economic downturn, and stating that the AEGC, through the national competition authority in each ASEAN Member State, would not hesitate to take action against any business taking advantage of the current pandemic by engaging in exploitative conduct that amounts to an abuse of its dominant position. [67]

1c. Americas

i. Competitor Collaborations

The US Department of Justice ("DoJ") and Federal Trade Commission ("FTC") issued a joint statement on 24 March 2020 reiterating existing

enforcement policy that collaborations involving research and development, most joint purchasing arrangements among healthcare providers, the sharing of technical knowhow, joint development of standards for patient management, and private lobbying addressed to the use of federal emergency authority to discuss strategies on responding to COVID-19 would all be consistent with US antitrust law. [68] The DoJ and FTC additionally introduced an expedited antitrust review process whereby they would respond to competitor collaboration business evaluation requests within seven calendar days. The agencies have so far issued three business review letters under this process, all within the short timelines stated. The first two were in favour of medical suppliers, [69] the third was in favour of pork producers. [70]

The Canadian Competition Bureau ("CB") issued a statement on competitor collaborations on 8 April 2020, [71] stating that collaborations which are limited in duration and scope, and undertaken in good faith (in this case to address pandemic-related supply/demand issues), are unlikely to violate the Canadian Competition Act. The CB specifically acknowledged that firms may need to form collaborative buying groups or share supply chain resources such as distribution facilities to ensure access to basic goods during the crisis.

The *Comisión Nacional de Defensa de la Competencia* of the Dominican Republic ("CNDC"), Mexico's *Comisión Federal de Competencia Económica* ("COFECE"), Chile's *Fiscalía Nacional Económica* ("FNE"), and Peru's *El Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual* ("Indecopi"), also issued similar general guidance on competitor collaborations on 23 March, [72] 27 March, [73] 3 April, [74] and 22 April [75] respectively.

On 28 May 2020, Brazil's *Conselho Administrativo de Defesa Econômica* ("CADE") permitted an instance of cooperation among a number of competitors in the food and beverages sector. [76]

ii. COVID-19 Exploitative Practices

In the United States, the main method adopted to pursue pricing abuses has been price gouging legislation at state level. Most states already had existing regimes prior to the COVID-19 crisis, and these are usually activated upon proclamations of states of emergency. These laws usually define price increases on consumer goods of more than a certain percentage as compared to pre-pandemic prices as "excessive". [77] Since the start of the pandemic, state Attorneys General have made extensive use of such laws to pursue individuals and companies. On 10 March 2020, for example, the New York Attorney General ordered two New York City merchants to cease and desist charging customers excessive prices for hand sanitisers and disinfectant sprays. [78] On 18 March 2020, Michigan's Attorney General took action against an individual selling high-priced products online through eBay, [79] and has issued a number of cease and desist letters to various companies. [80] In the absence of price gouging laws, some state Attorneys General have had to rely on consumer rights laws. [81] Additionally, President Trump signed an anti-price gouging executive order in late March 2020, which empowers the Health and Human Services Secretary to designate supplies as "critical", in which case hoarding and price gouging activities in respect of these supplies can carry criminal sanction. [82] The introduction of price gouging legislation at federal level is also being considered. [83]

Brazil's CADE opened an investigation on 18 March 2020 into potentially abusive pricing practices in the medical and pharmaceutical products sectors. Under this investigation, CADE has issued RFIs to a large number of companies in several tranches. [84]

In Argentina, President Alberto Fernández issued an emergency decree on 9 April 2020. This decree empowers local governors to inspect and penalize price gouging at the local level. [85]

2. Mergers

How is COVID-19 impacting Merger Control?



2a. EMEA

i. Procedure

On 16 March 2020, the EC asked firms to delay merger notifications where possible until further notice. [86] On 7 April 2020, the EC updated its earlier guidance, stating that “DG COMP stands ready to deal with cases where firms can show very compelling reasons to proceed with a merger notification without delay”. [87] For mergers already notified, many review processes have seen suspensions and delays, [88] as the EC is facing difficulties collecting information from merging parties and from competitors and other market players. The EC is encouraging e-filing. [89]

Most EU NCAs have issued similar messaging at national level.

For example, on 18 March 2020, the UK CMA stated that though companies should expect to see review of their existing merger cases kept on track and legal deadlines observed despite disruption caused by COVID, some statutory timeframes may have to be extended. [90]

Italy’s AGCM has announced extensive merger deadline suspensions. On 10 April 2020, for example, it announced that any communication, notification or complaint filed between 23 February 2020 and 15 May 2020 would be considered as having been received on 16 May 2020. [91]

On 27 March 2020, the French AC announced the suspension of legal deadlines for merger review as of 12 March until one month after the end of the state of emergency. [92] On 18 May 2020, the AC issued a further press release regarding the gradual exit of the health emergency period and the resumption of statutory time limits, setting out that with respect to merger control, time limits will start to run again from 24 June 2020. [93]

In Germany, the Parliament's economy and energy committee approved merger deadline amendments on 13 May 2020. These amendment proposals prolong the duration of merger reviews for transactions notified between 1 March 2020 and 31 May 2020, extending Phase I reviews by one month to two months and Phase II reviews by two months to six months. [94]

In Denmark, the statutory deadline period for merger reviews was initially suspended on 18 March 2020, and the suspension period is currently set to end on 17 August 2020, with continuous consideration being given to reverting to the status quo before then. [95]

Separately, COVID-19 has caused some EU NCAs to be accommodating on fine payments and the fulfilment of post-merger obligations.

On 19 March 2020, Portugal's AdC fined health sector company HPA, a hospital operator, for acquiring sole control of a similar company (HSL) without seeking prior approval of the deal from the AdC. However, the AdC accepted the payment of the fine in several instalments in order to avoid a negative impact on the provision of the company's services during the pandemic. [96]

On 4 May 2020, Austria's *Bundeswettbewerbsbehörde* ("BWB") approved a request by media firm ProSiebenSat.1Puls 4 for BWB to temporarily waive some post-merger obligations arising from commitments it had given in its acquisition of ATV Privat GmbH and ATV Privat GmbH & Co KG. [97]

In Africa, on 31 March 2020, the Common Market for Eastern and Southern Africa Competition Commission ("COMESA") notified the public of new interim processes for merger reviews in light of COVID-19, including softening timing requirements on formal notification and clarifying that the standard 120-day investigation period may be extended in some cases. [98]

On 24 March 2020, South Africa's SACC issued a press release discouraging the filing of all merger transactions except for those involving failing firms or firms in distress. [99]

Nigeria's FCCPC stated on 28 March 2020 that it would only accept time-sensitive and urgent merger notifications for review, [100] and elaborated on 28 April 2020 that such urgency could be present in particular where there is a possibility of imminent failure of the business of a merging party, or where there are time limitations imposed by authorities in host jurisdictions other than Nigeria, for example. For such merger reviews, the FCCPC has instituted a new interim remote notification procedure. [101]

In other African countries, Namibia's Competition Commission ("NACC") has encouraged e-filing, [102] Morocco's Conseil de la Concurrence ("MoCC") announced that all filings and communications during the pandemic would have to be by electronic means, [103] while Zimbabwe's Competition and Tariff Commission ("CTC") has significantly scaled down its operations but is prioritising merger filings. [104]

ii. Substantive review

The widespread economic difficulties suffered by companies across the EMEA have brought the failing firm defence (also known as the "exiting firm defence" in the UK), which is a feature of many merger control regimes in the EMEA, into the fore. This defence generally involves the parties to a deal arguing that one of the parties to the deal is in such financial difficulty that, absent the merger taking place, it would have to exit the market (through failure or otherwise), that there was no less anti-competitive alternative purchaser available and that the result of the exit of the firm and its assets would be a less anti-competitive outcome than the transaction under consideration. [105]

On 24 April 2020, in a statement to the press, EC Competition Commissioner Margrethe Vestager stated that the uncertainty caused by COVID has made it difficult for the EC to undertake necessary market analyses required for merger review. However, she reportedly went on to emphasise that market conditions caused by COVID are not sufficient to soften merger control enforcement or to allow more liberal interpretations of the failing firm defence. [106]

Parties to merger transactions across the EMEA have unsurprisingly begun raising the current extreme economic circumstances as a factor in support of their deals being approved. This has met with success in only some cases.

On 17 April 2020, the UK CMA provisionally cleared Amazon's investment in Deliveroo, [107] taking the view that Deliveroo's exit from the market would be inevitable in the absence of Amazon's investment and allowed the UK's "failing firm defence". However, on 24 June 2020, unusually the CMA revised its initial provisional decision and provided a second provisional clearance that did not rely on Deliveroo's financial position but focussed instead on other non-COVID-related grounds for clearance. The CMA is set to publish its final decision by 6 August 2020. [108]

On 8 May 2020, Spain's CNMC cleared the acquisition of Globalia's travel agency business by Barceló. One of the factors leading to the CNMC's decision was that the COVID-19 crisis had led to a drop in consumer demand for travel agency services and would continue to affect the industry in which both companies were operating. [109]

In contrast, there are a number of EMEA cases in which decisions from NCAs either to block or clear mergers have not been affected even when the COVID-19 pandemic was taken into account. This indicates that NCAs are not significantly changing their substantive review criteria.

On 9 April 2020, the UK CMA blocked a merger between online airline booking providers Sabre and Farelogix despite their sector being significantly impacted by the COVID-19 pandemic. [110]

On 6 May 2020, the UK CMA blocked the purchase by JD Sports of close competitor Footasylum after finding that the deal, if cleared, would lead to a substantial lessening of competition. [111] The CMA considered COVID-19 in its review but did not find evidence that the impact of the pandemic would remove its competition concerns.

On 11 June 2020, the UK CMA decided to refer a deal in the online secondary ticketing market, the purchase by viagogo of Stubhub, to an in-depth review, stating that: "The CMA is mindful of the heavy impact that COVID-19 is currently having on the live events industry. However, it anticipates viagogo and StubHub will remain important competitors in the online secondary ticketing market in the longer term." [112]

Separately the impact of the COVID-19 pandemic has not been enough to influence some NCAs away from clearing mergers in some cases.

One of the concerns caused by COVID-19 has been that weakened companies that are important to national economies may now be more vulnerable to acquisition or even hostile takeover by foreign companies. However, this industrial policy concern, that has been raised by the EC [113] and EU national governments alike, [114] was not sufficient to deter Germany's Bkarta from approving the acquisition of Vossloh Locomotives GmbH's shunter division by Chinese manufacturer CRRC on 27 April 2020, even though CRRC is majority-owned by the Chinese State. Bkarta did not consider wider non-competition issues such as trade or industrial policy in its decision, choosing to clear the deal based on a standard competition analysis. [115]

2b. Asia-Pacific

i. Procedure

NCAs in the Asia-Pacific region have seen many of the same delays and suspensions as NCAs in the EMEA region.

The ACCC encouraged parties to postpone non-urgent merger notifications in its guidance on 27 March 2020, and stated that timelines for some reviews/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. [116]

India's CCI announced review suspensions and new e-filing possibilities in late March 2020. [117] On 18 May 2020 the Philippine Competition Commission ("PCC") announced interim rules on the operations of its mergers and acquisitions office during the COVID-19 quarantine. [118]

China's SAMR was widely reported to be operating normally again from February 2020, and the speed with which it has processed deals throughout the first half of 2020 appears to reflect this.

ii. Substantive review

On 23 April 2020, Korea's Fair Trade Commission ("KFTC") approved low-cost airline Jeju Air's takeover of Eastar Jet. The KFTC considered Eastar Jet to be a "failing company" and the deal was approved on this basis and exempted from the Fair Trade Act. [119]

2c. Americas

i. Procedure

In the United States, the FTC and DoJ introduced a temporary e-filing system for premerger notifications due to COVID-19 on 13 March 2020. [120] On 17 March 2020, regulators announced changes to their merger review procedures including that parties should expect the DoJ to require an additional 30 days to complete its review of transactions after full compliance by the parties with document requests. [121]

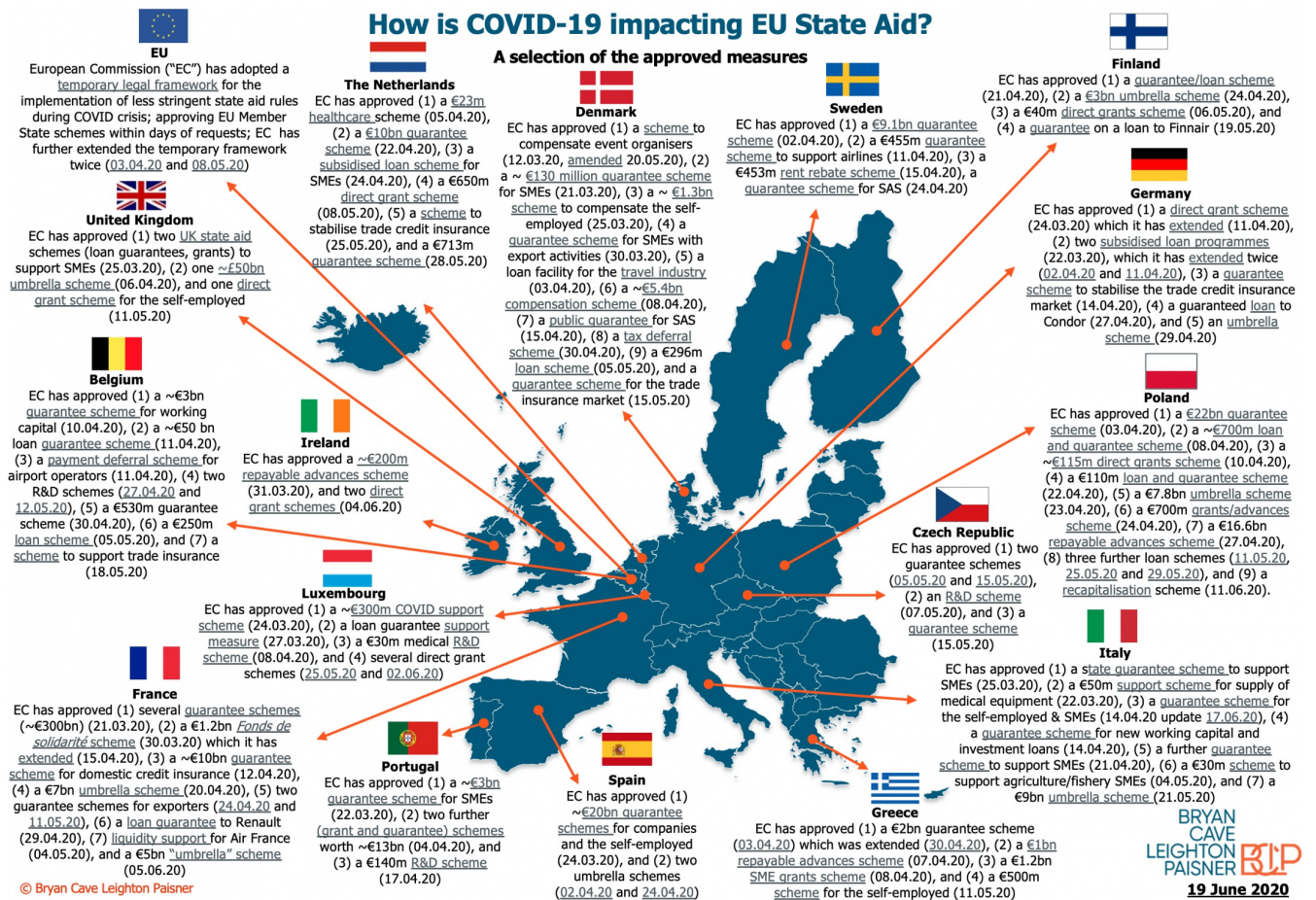
In Canada, the Commissioner of Competition issued an open letter on 18 March 2020 indicating that the CB's merger review process is likely to be negatively affected by COVID-19 by way of delays. [122]

Brazil's CADE did not choose to suspend procedural timelines for merger reviews. [123] However, on 12 June 2020, Brazil's President Jair Bolsonaro signed amendments to the Brazilian Competition Act into law with the effect that associative agreements, consortia or joint-ventures in effect between 20 March 2020 and 30 October 2020, or through the duration of the COVID-19 emergency situation, will no longer require pre-merger notification, although it is open to CADE to review non-notified transactions once the pandemic is over. [124]

ii. Substantive review

In the US, an FTC official stated in April 2020 that even if there are more "failing firm" defences raised during the pandemic, the FTC would not "relax the stringent conditions that define a genuinely 'failing' firm" and would continue to require "the same level of substantiation as we required before the COVID pandemic". [125] That statement is consistent with our research that indicates there has not been a relaxation of the usual approach to this defence. In a recent Concurrences webinar, the Deputy Assistant Director of the FTC gave no indication that American regulators are intending to change the status quo as a result of COVID-19.

3. State aid



The COVID-19 pandemic created fairly immediate liquidity issues for undertakings across the EU. The EC's first step on 13 March 2020 was to publish a Communication on a Coordinated economic response to the COVID-19 outbreak, [126] in which it set out some of the avenues available to MS to provide support without EC involvement. MS could do so by way of measures applicable to all undertakings regarding wage subsidies, suspension of payments of corporate and value added taxes or social welfare contributions, and financial support directly to consumers for cancelled services or tickets not reimbursed by the concerned operators, for example. Additionally, any support measures that satisfy requirements under the General Block Exemption Regulation [127] can also be designed and implemented without EC involvement.

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On 19 March 2020, the EC published a further Communication, [128] in which it clarified that there are now four different notification options under the TFEU pertinent to measures taken in the context of COVID-19:

1. Article 107(3)(c) TFEU as further specified in the Rescue and Restructuring State aid Guidelines; [129]
2. Article 107(2)(b) TFEU;
3. Article 107(3)(b) TFEU; and
4. A new temporary framework measure under Article 107(3)(b) TFEU.

This temporary framework enables MS to: (1) set up schemes granting individual companies up to €800,000 in direct grants/repayable advances/tax breaks, (2) give subsidized State guarantees/guarantee schemes on bank loans, (3) enable public loans with subsidized interest rates, and (4) provide short term export credit insurance. Specific conditions apply for agricultural, fisheries and aquacultural sectors.

On 3 April 2020, after consulting widely, [130] the EC extended this temporary framework [131] to enable Member States to accelerate research, testing and production of coronavirus relevant products, to protect jobs (e.g. through wage subsidies), and to further support the economy. Consultations to further expand the temporary framework were undertaken starting from just several days later, [132] and the temporary framework was further expanded to include recapitalisation and subordinated debt measures on 8 May 2020. [133]

As of the date of this article, the EC is consulting on further extending the scope of the state aid temporary framework to include aid to small companies already in difficulty before 31 December 2019, [134] which are currently excluded.

According to our research and the *Concurrences* database, as of 19 June 2020, the vast majority of state aid schemes approved by the EC have been approved under the temporary framework. Out of a total of 215 schemes approved between 12 March 2020 and 19 June 2020, around 89% have been under the temporary framework, 7% under Article 107(2)(b), 4% under Article 107(3)(b), and just one scheme under Article 107(3)(c).

In light of the urgency of the situation, the EC has generally been quick to provide approvals, often within days of being initially notified of particular schemes.

Aid has been approved across all sectors of the economy. Most individual aid schemes approved have economy-wide application (e.g. a set of German subsidised loan programmes with a €1bn limit per company [135] and a German direct grants scheme, [136] a €300bn set of French guarantee schemes, [137] and a €5.4bn Danish compensation scheme [138]), allowing companies to apply for aid regardless of the industry in which they operate. These types of schemes often make distinctions between companies along their size, or along whether they undertake any export activities.

Many approved aid schemes have also been sector-specific. These have been for:

1. The **healthcare sector**, with particular emphasis on R&D and production of COVID-relevant products (e.g. a €50m Italian scheme, [139] a €30m Luxembourg scheme, [140] a €37m Czech scheme, [141] a €140m Portuguese scheme, [142] an €11.5m Maltese scheme, [143] a set of €84m regional Austrian schemes, [144] a €200m Irish scheme, [145] and a €5bn French scheme [146]);
2. The **travel industry**, with support for airlines and travel operators (e.g. a French tax deferral scheme for airlines, [147] a French measure to provide €7bn in urgent liquidity support to Air France, [148] support for airline SAS in Sweden [149] and Denmark, [150] a €550m German state-guaranteed loan to Condor, [151] a €286 million Finnish measure to recapitalise Finnair, [152] and €600m state guarantee to Finnair, [153] and a €455 million Swedish guarantee scheme to support airlines [154]);
3. The **agriculture and aquaculture sectors** (e.g. a €35.5m Latvian direct grant scheme, [155] several Italian schemes: a €100m guarantee scheme, [156] a €50m subsidised loans scheme, [157] a €30m zero-interest loan scheme, [158] and a €70m direct grants scheme for the Campania region, [159] €40m worth of Finnish direct grants schemes, [160] a €314m Hungarian guarantee scheme, [161] and €99m direct grants scheme, a €36.3m Czech direct grants scheme, [162] a €9m Polish interest rate subsidy scheme, [163] a €1.8m Cypriot direct grants scheme, [164] and a €59m Lithuanian direct grants and loan guarantee scheme [165]);
4. The **restaurant industry** (e.g. a €120m Finnish direct grants scheme [166]);
5. The **insurance industry** (e.g. a €10bn French guarantee scheme, [167] a German guarantee scheme, [168] a Danish guarantee scheme, [169] a €903m Belgian reinsurance scheme, [170] and a Dutch guarantee scheme [171]);
6. The **land freight and maritime transport industry** (e.g. a €5m Lithuanian scheme for SMEs active in road freight transport, [172] and a

€600m Finnish guarantee scheme to support maritime companies [173]);

7. The **media industry** (e.g. a €32m Danish scheme to compensate media companies [174]); and

8. **Public events, cultural institutions and the arts** (e.g. a €12m Danish aid scheme to compensate damages caused by cancellations of large public events, [175] a €38m Swedish scheme to compensate damages caused by cancelled or postponed cultural events, [176] and a €10m Lithuanian direct grants scheme to support cultural and art institutions [177]).

Our state aid map displays a selection of the schemes approved, organised by country.

Note from the Editors: although the e-Competitions editors are doing their best to build a comprehensive set of the leading EU and national antitrust cases, the completeness of the database cannot be guaranteed. The present foreword seeks to provide readers with a view of the existing trends based primarily on cases reported in e-Competitions. Readers are welcome to bring any other relevant cases to the attention of the editors.

[1] BCLP's Tracker Maps are comprehensive but not fully exhaustive as they focus primarily on jurisdictions important to the team's practice and supplemented by the **Concurrences** database as at 19 June 2020. The BCLP Tracker Maps are periodically updated and can be found here - <https://www.bclplaw.com/en-GB/insights/global-antitrust-and-fdi-tracker-maps-how-is-covid-19-impacting-antitrust-enforcement-merger-control-and-state-aid.html> ↗

[2] https://ec.europa.eu/competition/ecn/202003_joint-statement_ecn_corona-crisis.pdf ↗.

See, e.g. **Laurence Bary, Alec J. Burnside, Mélanie Thill-Tayara, Clemens York von Wartenburg**, *The European Competition Network issues a general joint statement on the application of competition rules during the COVID-19 outbreak*, 23 March 2020, e-Competitions March 2020, Art. N° 93952, **Thomas De Meese, Jeane A. Thomas, Marieke Van Nieuwenborgh**, *The European Competition Network assists and advises companies on the application of the competition rules during the COVID-19 crisis*, 23 March 2020, e-Competitions March 2020, Art. N° 94151, and **Myrto Tagara, Aurora Muselli, May Lyn Yuen, Sabrina Borocci, François Brunet**, *The EU Commission and EU Member State Competition Authorities issue a joint statement on the application of competition law during the COVID-19 crisis in the context of the European Competition Network*, 25 March 2020, e-Competitions March 2020, Art. N° 94047.

[3] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.CI.2020.116.01.0007.01.ENG&toc=OJ:C:2020:116:TOC> ↗

See summaries by **Joanna Christoforou, Frances M. Murphy, Christina Renner, Izzet M. Sinan**, *The EU Commission provides antitrust guidance to companies cooperating in response to urgent COVID-19 related matters especially in the health sector for critical hospital medicines and medical equipment*, 8 April 2020, e-Competitions April 2020, Art. N° 94219, **Sabrina Borocci, François Brunet, Salomé Cissal De Ugarte, May Lyn Yuen, Myrto Tagara**, *The EU Commission publishes a temporary framework to guide companies that are cooperating to ensure the supply and distribution of essential products during the COVID-19 outbreak*, 8 April 2020, e-Competitions April 2020, Art. N° 94264, and **Alexi Dimitriou, Nigel Parr, Donald Slater, Michaël Cousin**, *The EU Commission publishes a temporary framework communication to provide antitrust guidance to companies cooperating in response to urgent situations related to COVID-19 pandemic*, 8 April 2020, e-Competitions April 2020, Art. N° 94624.

[4] See **UK Competition Authority**, *The UK Competition Authority welcomes the Governments' relaxation of competition law for supermarkets during the COVID-19 outbreak and promises no enforcement action against businesses engaging in cooperation to supply essential products and services*, 19 March 2020, e-Competitions March 2020, Art. N° 93815, **Gillian Sproul, Simon Harms**, *The UK Government and the Competition Authority adopt two recent measures against shortages and high prices during the COVID-19 outbreak*, 19 March 2020, e-Competitions March 2020, Art. N° 93884, and **Matthew Hall**, *The UK Government and the Competition Authority announce they will formally waive UK competition law for a limited period to allow supermarket retailers to share data on stock levels*, 19 March 2020, e-Competitions March 2020, Art. N° 93886.

[5] <https://www.cicra.gg/media/598222/statement-from-cicra-on-enforcement-of-competition-law-during-the-coronavirus-pandemic.pdf> ↗

[6] See **Italian Competition Authority**, *The Italian Competition Authority releases notice on cooperation agreements between businesses within the framework of the COVID-19 emergency with special emphasis on the pharmaceutical, agri-food and health sector*, 24 April 2020, e-Competitions April 2020, Art. N° 94717.

- [7] <https://www.cnmc.es/novedad/buzon-denuncias-consultas-centralizadas-covid19> ↗
See **Pilar Carrasco, Manuel Contreras, Henar González Durántez**, *The Spanish Competition Authority announces that it has launched an online hotline for operators to report anti-competitive practices or to make inquiries in matters of competition law related to measures or practices adopted as a result of the health crisis caused by the COVID-19 outbreak*, 31 March 2020, *e-Competitions March 2020*, Art. N° 94046 and **Candela Sotés Macaya, Patricia Linan Hernandez**, *The Spanish Competition Authority makes available a special mailbox for complaints and queries related to the application of competition rules in the context of the health crisis created by COVID-19*, 31 March 2020, *e-Competitions March 2020*, Art. N° 94315.
- [8] http://www.concurrence.pt/vEN/News_Events/Comunicados/Pages/PressRelease_202005.aspx ↗.
See **Nuno Ruiz Lopez, Ricardo Bordalo Junqueiro**, *The Portuguese Competition Authority follows the European Competition Network and announces a tolerance policy for cooperation between undertakings during the COVID-19 crisis*, 23 March 2020, *e-Competitions March 2020*, Art. N° 94144.
- [9] <https://www.epant.gr/en/enimerosi/press-releases/item/838-press-release-competition-law-enforcement-and-covid-19-pandemic.html> ↗
- [10] <https://www.acm.nl/en/publications/european-competition-authorities-and-oversight-during-coronavirus-crisis> ↗
- [11] See **Finnish Competition Authority**, *The Finnish Competition Authority clarifies that competition legislation does not prevent necessary measures for safeguarding the supply of personal protective equipment and medicines in the context of COVID-19 outbreak*, 9 April 2020, *e-Competitions April 2020*, Art. N° 94824.
- [12] <https://concurrency.public.lu/dam-assets/fr/actualites/2020/2020-03-31-Document-d-orientation-entreprises-Covid-19.pdf> ↗ See also **Luxembourg Competition Authority**, *The Luxembourg Competition Authority clarifies implications of the European Competition Network's joint statement on competition law during the COVID-19 crisis and announces it will prioritize competition cases related to the pandemic*, 24 March 2020, *e-Competitions March 2020*, Art. N° 93937.
- [13] See **Czech Competition Authority**, *The Czech Competition Authority clarifies competition law enforcement during the COVID-19 pandemic*, 27 March 2020, *e-Competitions March 2020*, Art. N° 94043 and **Jiří Švejda, Vojtech Chloupek**, *The Czech Competition Authority adopts several measures related to the social and economic consequences caused by the COVID-19 pandemic*, 27 March 2020, *e-Competitions March 2020*, Art. N° 94304.
- [14] See **Bulgarian Competition Authority**, *The Bulgarian Competition Authority announces it will focus on allowing and monitoring collaborations among competitors in the markets for public health products, pharmaceuticals, food, and commerce important for fighting the COVID-19 outbreak*, 31 March 2020, *e-Competitions March 2020*, Art. N° 94159.
- [15] http://www.consiliulconcurrentei.ro/uploads/docs/items/bucket15/id15829/masuri_ce_mar_2020.pdf ↗ See also **Claudia Nagy, Cristina Popescu, Horea Popescu**, *The Romanian Competition Authority sets down guidelines on business practices for companies during the COVID-19 pandemic*, 19 March 2020, *e-Competitions March 2020*, Art. N° 93816.
- [16] See **Lithuanian Competition Authority**, *The Lithuanian Competition Authority invites competing businesses planning to cooperate during the COVID-19 pandemic to contact the Authority and the EU Commission for guidance about their cooperation intentions*, 30 March 2020, *e-Competitions March 2020*, Art. N° 94201.
- [17] <https://www.danskindustri.dk/medlemsforeninger/foreningssites/bilbranchen/nyhedsmappe/branchejura/2020/3/konkurrencereglerne-beskytter-ogsaa-i-krisetider/> ↗. See **Thomas Skou, Martin André Dittmer**, *The Danish Competition Authority reminds companies that competition law remains in force and will be enforced during the COVID-19 outbreak*, 23 March 2020, *e-Competitions March 2020*, Art. N° 94471.
- [18] https://www.bwb.gv.at/en/news/detail/news/coronavirus_covid_19_and_its_impact_on_competition_law_in_austria_joint_statement_by_the_europea/ ↗. See also **Austrian Competition Authority**, *The Austrian Competition Authority temporarily suspends most business operations and announces an electronic system for submitting merger notifications as special measures due to COVID-19*, 16 March 2020, *e-Competitions March 2020*, Art. N° 93781.
- [19] <https://www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-78586.html> ↗
- [20] <https://en.fas.gov.ru/press-center/news/detail.html?id=54878> ↗
- [21] <https://competitioncommission.mu/wp-content/uploads/2020/04/Communique-Covid.pdf> ↗

[22] <http://www.eca.org.eg/ECA/News/View.aspx> ↗

[23] <http://fccpc.gov.ng/uploads/FCCPC> ↗ 2020 Guidelines on Competition and Consumer Protection.pdf

[24] See **European Commission**, *The EU Commission issues a Temporary Framework Communication on allowing limited cooperation among businesses, and a "comfort letter" especially for critical hospital medicines during the COVID-19 outbreak*, 8 April 2020, *e-Competitions April 2020*, Art. N° 94176. See also **Joanna Christoforou**, **Frances M. Murphy**, **Christina Renner**, **Izzet M. Sinan**, *The EU Commission provides antitrust guidance to companies cooperating in response to urgent COVID-19 related matters especially in the health sector for critical hospital medicines and medical equipment*, 8 April 2020, *e-Competitions April 2020*, Art. N° 94219, **Sabrina Borocci**, **François Brunet**, **Salomé Cissal De Ugarte**, **May Lyn Yuen**, **Myrto Tagara**, *The EU Commission publishes a temporary framework to guide companies that are cooperating to ensure the supply and distribution of essential products during the COVID-19 outbreak*, 8 April 2020, *e-Competitions April 2020*, Art. N° 94264, and **Marc Martens**, **Morten Nissen**, *The EU Commission increases leeway for cooperation between pharma and medical equipment companies during the COVID-19 crisis*, 8 April 2020, *e-Competitions April 2020*, Art. N° 94266.

[25] https://ec.europa.eu/commission/presscorner/detail/en/ip_20_722 ↗.

See **Nigel Parr**, **Alexi Dimitriou**, *The EU Commission adopts an exceptional derogation from the EU Competition rules for the milk, flowers and potatoes sectors to establish a common organisation of the agricultural products as a response to the COVID-19 outbreak*, 22 April 2020, *e-Competitions April 2020*, Art. N° 94625. See also **Rebecca Yourstone**, **Frances M. Murphy**, **Joanna Christoforou**, *The EU Commission announces the adoption of exceptional derogations from EU competition rules to allow certain types of cooperation in the agri-food industry during the COVID-19 outbreak*, 4 May 2020, *e-Competitions June 2020*, Art. N° 94800, **Jay Modrall**, *The EU Commission announces a package of measures to support the food and agriculture sector and mitigate the effects of the COVID-19 outbreak, including relaxing some antitrust rules on cooperation*, 4 May 2020, *e-Competitions June 2020*, Art. N° 94803, and **Cormac Little**, **Sheila Tormey**, **Claire Waterson**, *The EU Commission grants a temporary derogation for the rules in key parts of the food sector during the COVID-19 crisis*, 30 April 2020, *e-Competitions April 2020*, Art. N° 94831.

[26] See **Dutch Competition Authority**, *The Dutch Competition Authority states that health insurers are allowed to give health care providers financial support collectively during COVID-19 crisis*, 21 April 2020, *e-Competitions April 2020*, Art. N° 94825.

[27] See **French Competition Authority**, *The French Competition Authority clarifies the options of a professional association for dealing with its members' rent during the COVID-19 pandemic (Rassemblement des Opticiens de France)*, 22 April 2020, *e-Competitions April 2020*, Art. N° 94419.

[28] See **Italian Competition Authority**, *The Italian Competition Authority allows cooperation among competing pharmacies in purchasing and selling surgical masks, and common moratorium scheme for consumer credit among competing financial services providers, both as special measures allowed due to COVID-19*, 1 June 2020, *e-Competitions Preview*, Art. N° 95319. See also **Koen T'Syen**, **Peter L'Ecluse**, **Catherine Longeval**, *The Italian Competition Authority approves a distribution scheme allowing disposable surgical masks to be sold in pharmacies and health retail outlets as a response to the COVID-19 pandemic*, 1 June 2020, *e-Competitions June 2020*, Art. N° 95307.

[29] See **German Competition Authority**, *The German Competition Authority supports the German Association of the Automotive Industry's measures for overcoming the challenges caused by the COVID-19 pandemic in the automotive industry*, 9 June 2020, *e-Competitions June 2020*, Art. N° 95311.

[30] <https://www.gov.uk/guidance/competition-law-exclusion-orders-relating-to-coronavirus-covid-19> ↗. See also **UK Competition Authority**, *The UK Competition Authority publishes a second update from its COVID-19 taskforce*, 21 May 2020, *e-Competitions June 2020*, Art. N° 95115.

[31] <https://edit.laws.africa/works/za/act/gn/2020/r349/media/publication/za-act-gn-2020-r349-publication-document.pdf> ↗. See also **Lesley Morphet**, *The South African Ministry of Trade and Industry grants block exemptions to the healthcare sector to combat the spread of the COVID-19*, 19 March 2020, *e-Competitions March 2020*, Art. N° 93840.

[32] <https://archive.opengazettes.org.za/archive/ZA/2020/government-gazette-ZA-vol-657-no-43127-dated-2020-03-23.pdf> ↗. See also **Leana Engelbrecht**, **Stewart Payne**, **Nick Altini**, *The South African Minister of Trade, Industry and Competition issues six regulations amending the national Competition Act aimed to combat the outbreak of COVID-19*, 8 April 2020, *e-Competitions April 2020*, Art. N° 94581.

[33] https://www.greengazette.co.za/notices/competition-act-89-1998-as-amended-covid-19-block-exemption-for-the-retail-property-sector-2020_20200324-GGR-43134-00358.pdf ↗. See also **Leana Engelbrecht**, **Stewart Payne**, **Nick Altini**, *The South African Minister of Trade, Industry and Competition issues six regulations amending the national*

Competition Act aimed to combat the outbreak of COVID-19, 8 April 2020, e-Competitions April 2020, Art. N° 94581.

[34] https://www.greengazette.co.za/notices/competition-act-89-1998-covid-19-block-exemption-for-the-hotel-industry-2020_20200327-GGR-43175-00422.pdf ↗. See also **Leana Engelbrecht, Stewart Payne, Nick Altini**, *The South African Minister of Trade, Industry and Competition issues six regulations amending the national Competition Act aimed to combat the outbreak of COVID-19, 8 April 2020, e-Competitions April 2020, Art. N° 94581.*

[35] See **Norwegian Competition Authority**, *The Norwegian Government grants the transportation sector a 3-month temporary exception from the Competition Act as a special measure due to COVID-19, 19 March 2020, e-Competitions March 2020, Art. N° 93782.*

[36] See **Icelandic Competition Authority**, *The Icelandic Competition Authority opens an information center as a response to the antitrust challenges posed by the current COVID-19 outbreak, 22 March 2020, e-Competitions March 2020, Art. N° 93892.*

[37] https://ec.europa.eu/competition/ecn/202003_joint-statement_ecn_corona-crisis.pdf ↗.
See, e.g. **Laurence Bary, Alec J. Burnside, Mélanie Thill-Tayara, Clemens York von Wartenburg**, *The European Competition Network issues a general joint statement on the application of competition rules during the COVID-19 outbreak, 23 March 2020, e-Competitions March 2020, Art. N° 93952*, **Thomas De Meese, Jeane A. Thomas, Marieke Van Nieuwenborgh**, *The European Competition Network assists and advises companies on the application of the competition rules during the COVID-19 crisis, 23 March 2020, e-Competitions March 2020, Art. N° 94151*, and **Myrto Tagara, Aurora Muselli, May Lyn Yuen, Sabrina Borocci, François Brunet**, *The EU Commission and EU Member State Competition Authorities issue a joint statement on the application of competition law during the COVID-19 crisis in the context of the European Competition Network, 25 March 2020, e-Competitions March 2020, Art. N° 94047*

[38] <https://www.gov.uk/government/news/cma-statement-on-sales-and-pricing-practices-during-coronavirus-outbreak> ↗

[39] See **UK Competition Authority**, *The UK Competition Authority writes an open letter to the pharmaceutical and food and drink industries warning them not to exploit the COVID-19 outbreak to charge prices that might be deemed excessive, 20 March 2020, e-Competitions March 2020, Art. N° 94198.*

[40] <https://www.gov.uk/government/publications/cma-coronavirus-taskforce-update-21-may-2020/protecting-consumers-during-the-coronavirus-covid-19-pandemic-update-on-the-work-of-the-cmas-taskforce#tackling-harmful-practices> ↗. See **UK Competition Authority**, *The UK Competition Authority publishes a second update from its COVID-19 taskforce, 21 May 2020, e-Competitions June 2020, Art. N° 95115.*

[41] <https://www.ft.com/content/6af426bc-bfa3-4acb-86e0-c72eb0333e7e> ↗

[42] See **Italian Competition Authority**, *The Italian Competition Authority publishes two investigations against online platforms with regards to some claims relating to the marketing of hand sanitising, respiratory masks and hygiene products (Amazon / eBay), 12 March 2020, e-Competitions March 2020, Art. N° 94193.*

[43] <http://www.cak.go.ke/sites/default/files/2020-03/CAK%20Remedial%20Order%20to%20Cleanshelf%20Supermarkets.pdf> ↗

[44] <https://epant.gr/en/enimerosi/press-releases/item/840-press-release-investigation-in-healthcare-materials.html> ↗

[45] <https://twitter.com/CFTC.Malawi/status/1242076994277441542> ↗

[46] <https://www.cnmc.es/balance-buzon-covid-7-abril-20200407> ↗

[47] [https://www.rekabet.gov.tr/\(X\(1\)S\(c3qmey3nvmwupdx0wnluu4h\)\)/tr/Guncel/aralarinda-zincir-marketlerin-debulundu-8828c79f5f90ea11811a00505694b4c6?AspxAutoDetectCookieSupport=1](https://www.rekabet.gov.tr/(X(1)S(c3qmey3nvmwupdx0wnluu4h))/tr/Guncel/aralarinda-zincir-marketlerin-debulundu-8828c79f5f90ea11811a00505694b4c6?AspxAutoDetectCookieSupport=1) ↗

[48] <https://en.fas.gov.ru/press-center/news/detail.html?id=54878> ↗

[49] <http://fccpc.gov.ng/news-events/releases/2020/03/01/price-gouging-unreasonable-and-arbitrary-increases-in-prices-of-protective-and-hygiene-products-on-account-of-covid-19-corona-virus-concerns/> ↗; <http://fccpc.gov.ng/news-events/releases/2020/03/23/price-gouging-unreasonable-arbitrary-increases-in-prices-of-hygiene-products-and-certain-medications-panic-buying-on-account-of-coronavirus-covid-19-concerns/> ↗

[50] <https://www.premiumtimesng.com/news/top-news/384844-coronavirus-nigerian-govt-sues-h-medix-faxx-stores-others-over-hike-in-prices-of-sanitizers.html> ↗

[51] <http://fccpc.gov.ng/news-events/releases/2020/03/13/jumia-delists-390-products-on-account-of-fccpc-warning-over-hike-in-prices-of-protective-and-hygiene-products-assures-commission-of-cooperation/> ↗

[52] https://www.linkedin.com/posts/hardin-ratshisusu-62634229_covid-19-in-sa-competition-commission-received-activity-6669625585037324288-Gxoc ↗

[53] https://www.compcomm.hk/en/about/public_notices/files/20200327_Statement_by_CC_regarding_the_COVID19_outbreak_Eng.pdf ↗. See **Hong Kong Competition Commission**, *The Hong Kong Competition Authority issues a statement on the application of Competition Ordinance during COVID-19 outbreak and invites businesses to contact the Authority about their cooperation plans*, 27 March 2020, e-Competitions March 2020, Art. N° 93983 and **Alastair Mordaunt, Paul Seppi**, *The Hong Kong Competition Authority publishes a statement on the application of the Competition Ordinance during the COVID-19 crisis*, 27 March 2020, e-Competitions March 2020, Art. N° 94414.

[54] http://gkml.samr.gov.cn/nsjg/fldj/202004/t20200405_313859.html ↗

[55] <https://www.jftc.go.jp/houdou/pressrelease/2020/apr/200428.html> ↗

[56] https://www.cci.gov.in/sites/default/files/whats_newdocument/Advisory.pdf ↗.

See also **Indian Competition Authority**, *The Indian Competition Authority continues to require electronic filing of merger notifications and announces further delays of notification deadlines due to the COVID-19 pandemic*, 20 April 2020, e-Competitions April 2020, Art. N° 94411, **Basu Chandola**, *The Indian Competition Authority publishes public notices to keep people updated about the COVID-19 situation measures*, 19 April 2020, e-Competitions April 2020, Art. N° 94428, and **Hrishav Kumar, Anish Gupta**, *The Indian Competition Authority authorises companies to collaborate and enter into agreements to share information to enhance the efficiency of production, supply, distribution, storage, acquisition during the COVID-19 crisis*, 20 April 2020, e-Competitions June 2020, Art. N° 95150.

[57] See **New Zealand Competition Authority**, *The New Zealand Competition Authority issues guidance on business collaboration during COVID-19*, 1 May 2020, e-Competitions June 2020, Art. N° 94869.

[58] See **Australian Competition Authority**, *The Australian Competition Authority publishes its response to the COVID-19 pandemic to adjust the focus of its regulatory activities*, 27 March 2020, e-Competitions March 2020, Art. N° 94524 and **Lynne Lewis, Megan Edwards, Tom Macken, Thomas Jones**, *The Australian Competition Authority announces a re-focus of its 2020 compliance and enforcement priorities in response to the COVID-19 pandemic*, 27 March 2020, e-Competitions June 2020, Art. N° 95270.

[59] http://gkml.samr.gov.cn/nsjg/jjjzj/202002/t20200201_310912.html ↗

[60] <https://app.parr-global.com/intelligence/view/prime-2990253> ↗

[61] http://english.scio.gov.cn/pressroom/2020-02/28/content_75754311_0.htm ↗

[62] See **Australian Competition Authority**, *The Australian Competition Authority publishes its response to the COVID-19 pandemic to adjust the focus of its regulatory activities*, 27 March 2020, e-Competitions March 2020, Art. N° 94524 and **Lynne Lewis, Megan Edwards, Tom Macken, Thomas Jones**, *The Australian Competition Authority announces a re-focus of its 2020 compliance and enforcement priorities in response to the COVID-19 pandemic*, 27 March 2020, e-Competitions June 2020, Art. N° 95270.

[63] <https://www.acc.gov.au/speech/managing-the-impacts-of-covid-19-disruption-on-consumers-and-business> ↗

[64] <https://minister.homeaffairs.gov.au/peterdutton/Pages/Measures-to-prevent-essential-goods-being-exported-and-price-gouged-during-the-fight-against-COVID-19.aspx> ↗

[65] <https://fijisun.com.fj/2020/05/01/fijian-competition-and-consumer-commission-charges-20-traders/> ↗

[66] <https://www.fijivillage.com/news/-Nine-more-traders-charged-by-FCCC-45xf8> ↗

[67] <https://asean.org/storage/2020/06/AEGC-Joint-Statement-in-Response-to-COVID-19-9June20-FINAL.pdf> ↗

[68] See **US Federal Trade Commission**, *The US DoJ and FTC issue a joint statement announcing an expedited antitrust procedure and provide guidance for collaborations of businesses working to protect the health and safety of Americans during the COVID-19 outbreak*, 24 March 2020, *e-Competitions March 2020*, Art. N° 94397. Also see analysis by **William Margeson**, *The US DoJ and FTC issue a joint statement detailing antitrust procedures and providing guidance for collaborations of businesses that work to protect the health and safety during the COVID-19 outbreak*, 24 March 2020, *e-Competitions March 2020*, Art. N° 93890, **Jon R. Roelke**, *The US DoJ and FTC announce their aim to respond within one week to COVID-19 collaborative proposals submitted following the agencies' respective processes*, 24 March 2020, *e-Competitions March 2020*, Art. N° 93894, and **David A. Higbee, Jessica K. Delbaum, Benjamin Gris, Djordje Petkoski**, *The US DoJ and FTC issue a joint statement to outline that they are monitoring markets behaviour during the global health and economic crisis caused by the COVID-19 outbreak*, 24 March 2020, *e-Competitions March 2020*, Art. N° 93918.

[69] See **US Department of Justice Antitrust Division**, *The US DOJ issues positive Business Review Letter to Medical Supplies Distributors and announces it will not challenge their collaborations supporting Project Airbridge under the expedited procedure for COVID-19 pandemic response (McKesson / Owens & Minor / Cardinal Health / Medline Industries / Henry Schein)*, 4 April 2020, *e-Competitions April 2020*, Art. N° 94667, **Michael Mahaffey, Mark J. Gidley, Martin M. Toto, Kathryn Jordan Mims, Jaclyn Phillips, Trina Shek Rizzo**, *The US DoJ issues a business review letter under the DOJ-FTC joint expedited COVID-19 competitor collaboration review procedures, blessing several medical supply companies to work together to produce and distribute equipment and medicine*, 4 April 2020, *e-Competitions April 2020*, Art. N° 94420, and **Mark J. Gidley, Martin M. Toto, Kathryn Jordan Mims, Jaclyn Phillips, Trina Shek Rizzo, Michael Mahaffey**, *The US DoJ issues its first business review letter under the DoJ-FTC expedited COVID-19 competitor collaboration review procedures, blessing several medical supply companies to work together to produce and distribute protective equipment*, 4 April 2020, *e-Competitions April 2020*, Art. N° 94467.

[70] See **US Department of Justice Antitrust Division**, *The US DoJ allows collaboration among the nation's leading hog farmers to address meat shortages caused by the COVID-19 pandemic (National Pork Producers Council)*, 15 May 2020, *e-Competitions May 2020*, Art. N° 94987 and **David Rochelson**, *The US DoJ announces its first approval of a COVID-19 competitor collaboration which is not involving medical supplies*, 15 May 2020, *e-Competitions June 2020*, Art. N° 95062.

[71] <https://www.canada.ca/en/competition-bureau/news/2020/04/competition-bureau-statement-on-competitor-collaborations-during-the-covid-19-pandemic.html> ↗. See **William Wu, James Musgrove**, *The Canadian Competition Authority publishes a statement which allows businesses to collaborate during the COVID-19 crisis*, 8 April 2020, *e-Competitions April 2020*, Art. N° 94294.

[72] <https://procompetencia.gob.do/procompetencia-monitoreo-comportamiento-empresarial-durante-emergencia-por-el-coronavirus/> ↗

[73] See **Mexican Competition Authority**, *The Mexican Competition Authority clarifies enforcement of the Federal Economic Competition Law during the COVID-19 health emergency*, 27 March 2020, *e-Competitions March 2020*, Art. N° 93953 and **Diego Mendoza Arrieta, Germán Ricardo Macías, Román González Melo**, *The Mexican Competition Authority issues hollow guidance on the application of the Mexican antitrust statute during the COVID-19 pandemic*, 27 March 2020, *e-Competitions March 2020*, Art. N° 94179.

[74] <https://www.fne.gob.cl/declaracion-publica/> ↗

[75] <https://www.indecopi.gob.pe/en/-/el-indecopi-precisa-que-los-acuerdos-de-colaboracion-para-asegurar-el-abastecimiento-de-productos-y-enfrentar-la-emergencia-del-covid-19-son-licitos-d> ↗

[76] See **Brazilian Competition Authority (CADE)**, *The Brazilian Competition Authority authorises temporary collaboration due to COVID-19 among competitors distributing consumer goods such as beverages, food, personal and domestic care products to small and medium retailers ("Movimento Nós")*, 5 June 2020, *e-Competitions June 2020*, Art. N° 95279 and **Eduardo Caminati Anders, Marcio de Carvalho Silveira Bueno, Guilherme Teno Castilho Misale**, *The Brazilian Competition Authority authorises competitor collaboration to assist the recovery of small retailers of beverages, food and personal and domestic care products against the economic effects of COVID-19 ("Movimento Nós")*, 5 June 2020, *e-Competitions June 2020*, Art. N° 95310.

[77] E.g., see s.396 of the California Penal Code: http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=396&lawCode=PEN ↗

[78] <https://ag.ny.gov/press-release/2020/ag-james-price-gouging-will-not-be-tolerated> ↗

[79] https://www.michigan.gov/som/0,4669,7-192-29701_74909_74922-522149--,00.html ↗

- [80] https://www.michigan.gov/ag/0,4534,7-359-92297_47203-521994--,00.html ↗
- [81] <https://www.ohioattorneygeneral.gov/Media/News-Releases/June-2020/AG-Yost-Sues-Price-Gougers-Who-Inflated-Hand-Sanit> ↗
- [82] <https://www.hhs.gov/about/news/2020/03/25/hhs-implements-president-trumps-hoarding-prevention-executive-order.html> ↗
- [83] <https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=2909> ↗; see also <https://www.cnbc.com/2020/04/10/coronavirus-price-gouging-bill-from-warren-fights-price-gouging.html> ↗
- [84] https://sei.cade.gov.br/sei/modulos/pesquisa/md_pesq_processo_exibir.php?0c62g277GvPsZDAXAO1tMiVcL9FcFMR5UuJ6rLqPEJuTUu08mg6wxLt0JzWxCor9mNcMYP8UAjTVP9dxRfPBcFHGOR1cj-ICxg0e68-LPsegN5BBobYAfJO966bdAbq6 ↗
- [85] <https://www.lanacion.com.ar/politica/coronavirus-argentina-gobernadores-tambien-tendran-potestad-controlar-nid2352512> ↗
- [86] https://ec.europa.eu/competition/mergers/information_en.html ↗.
See **European Commission**, *The EU Commission encourages the delay of merger notifications and electronic submission as special measures due to COVID-19*, 16 March 2020, *e-Competitions March 2020*, Art. N° 93770. See analysis by **Morten Nissen**, **José Rivas**, *The EU Commission encourages delay of merger notifications and electronic submission as special measures due to COVID-19*, 16 March 2020, *e-Competitions March 2020*, Art. N° 93784, **Philip Monaghan**, **Courtney Dyer**, **Riccardo Celli**, *The EU Commission updates its practical guidance to merging parties and encourages companies to delay merger notifications until further notice due to the COVID-19 outbreak*, 16 March 2020, *e-Competitions March 2020*, Art. N° 93822, and **Gavin Bushell**, *The EU Commission publishes special measures for mergers during the COVID-19 outbreak*, 16 March 2020, *e-Competitions March 2020*, Art. N° 93891.
- [87] https://ec.europa.eu/competition/mergers/covid_19.html ↗.
See **Amaryllis Müller**, **Alastair Chapman**, **Sarah Jensen**, *The EU Commission announces that, amid the current COVID-19 crisis, it stands ready to deal with cases where firms can show very compelling reasons to proceed with a merger notification without delay*, 7 April 2020, *e-Competitions April 2020*, Art. N° 94470 and **Porter Elliott**, *The EU Commission maintains adjustments to merger filing process made in response to COVID-19 crisis while underscoring need to protect competition*, 7 April 2020, *e-Competitions April 2020*, Art. N° 94686.
- [88] <https://www.ft.com/content/5faba594-687f-11ea-800d-da70cff6e4d3> ↗
- [89] https://ec.europa.eu/competition/mergers/information_en.html ↗
- [90] See **UK Competition Authority**, *The UK Competition Authority switches to telework, suspends almost all physical shipments of documents, but promises to continue processing cases by set deadlines amid COVID-19 pandemic*, 18 March 2020, *e-Competitions March 2020*, Art. N° 94200.
- [91] https://www.agcm.it/dotcmsdoc/allegati-news/200401_new.pdf ↗
- [92] See **French Competition Authority**, *The French Competition Authority publishes its adaptation of the time limits and procedures during the COVID-19 outbreak*, 27 March 2020, *e-Competitions March 2020*, Art. N° 94202.
- [93] See **French Competition Authority**, *The French Competition Authority announces reinstatement of certain statutory limits as first measures of the gradual lifting of the state of health emergency in France due to COVID-19*, 18 May 2020, *e-Competitions June 2020*, Art. N° 95028.
- [94] <https://dip21.bundestag.de/dip21/btd/19/189/1918963.pdf> ↗
- [95] <https://www.kfst.dk/pressemeddelelser/kfst/2020/20200609-periode-med-afbrudte-frister-for-fusionskontrol-forlaenget-igen/> ↗. See **Danish Competition Authority**, *The Danish Competition Authority suspends its time limits for merger review for 14 days as special measure due to COVID-19*, 18 March 2020, *e-Competitions March 2020*, Art. N° 93777 and **Danish Competition Authority**, *The Danish Competition Authority extends the suspension of merger review time limits during the COVID-19 crisis*, 16 April 2020, *e-Competitions April 2020*, Art. N° 94408.

[96] See **Portuguese Competition Authority**, *The Portuguese Competition Authority fines a hospital for gun jumping but accepts payment of the fine in multiple installments not to negatively affect the hospital's operations during the COVID-19 pandemic (Hospital Particular do Algarve)*, 19 March 2020, *e-Competitions March 2020*, Art. N° 93831 and **Porter Elliott**, *The Portuguese Competition Authority allows payment of a gun-jumping fine in instalments due to the COVID-19 outbreak (Hospital Particular do Algarve)*, 19 March 2020, *e-Competitions March 2020*, Art. N° 93989.

[97] https://www.bwb.gv.at/en/news/detail/news/prosiebensat1puls_4atv_merger_commitments_relating_to_news_and_information_restricted_until_30_a/ ↗

[98] See **COMESA Competition Authority**, *The COMESA Competition Authority encourages electronic merger notifications, extends deadline for document submission, suspends physical meetings, and warns of possible investigation delays due to COVID-19 pandemic*, 31 March 2020, *e-Competitions March 2020*, Art. N° 94410 and **Andreas Stargard**, *The COMESA Competition Commission issues guidance on timing and other implications for merger review relating to the COVID-19 pandemic*, 31 March 2020, *e-Competitions March 2020*, Art. N° 94877.

[99] <http://www.compcom.co.za/wp-content/uploads/2020/03/CCSA-COVID-19-statement-24-March-202024497.pdf> ↗

[100] <http://fccpc.gov.ng/news-events/releases/2020/03/28/limited-operations-and-prioritization-during-covid-19-emergency-and-response/> ↗

[101] <http://fccpc.gov.ng/news-events/releases/2020/04/28/guidance-regarding-federal-competition-and-consumer-protection-commissions-commission-merger-notification-process-slash-interpretation-of-the-law-on-other-competition-issues-under-the-federal-competition-and-consumer-protection-act-fccpa/> ↗

[102] https://www.nacc.com.na/media_centre/view_article.php?newsID=66&type=2 ↗

[103] <http://conseil-concurrence.ma/cc/wp-content/uploads/2020/03/Communiqu%C3%A9-relatif-aux-mesures-sp%C3%A9ciales-dus-au-coronavirus-VFP23-03-2020.pdf> ↗

[104] <http://www.competition.co.zw/press-statement-on-provision-of-services-at-the-competition-and-tariff-commission-in-the-wake-of-the-coronavirus-covid-19/> ↗

[105] <https://www.bclplaw.com/en-GB/insights/merger-control-during-an-economic-downturn-what-opportunities-may-the-exiting-firm-defence-offer-buyers.html> ↗

[106] <https://app.parr-global.com/intelligence/view/prime-3024951> ↗

[107] See **UK Competition Authority**, *The UK Competition Authority provisionally clears acquisition of an online food delivery business by a global online shopping company to prevent it from bankruptcy likely to happen due to economic effects of the COVID-19 outbreak (Amazon / Deliveroo)*, 17 April 2020, *e-Competitions April 2020*, Art. N° 94338. See analysis by **Veronica Roberts, Daniel Vowden, Ruth Allen, Kristien Geeurickx**, *The UK Competition Authority announces its provisional clearance of a proposed acquisition of a stake in a food delivery company in its first application of "failing firm" defence during the COVID-19 pandemic (Amazon / Deliveroo)*, 17 April 2020, *e-Competitions April 2020*, Art. N° 94334, **Alexi Dimitriou, Neil Cuninghame, Christopher Eberhardt**, *The UK Competition Authority uses the failing firm defence notion in a merger between a service provider and a food delivery supplier during the COVID-19 pandemic (Amazon / Deliveroo)*, 17 April 2020, *e-Competitions April 2020*, Art. N° 94649, and **Peter Willis, Patricia Wing**, *The UK Competition Authority provisionally clears an acquisition between an online food delivery business by a global online shopping company (Amazon / Deliveroo)*, 17 April 2020, *e-Competitions April 2020*, Art. N° 94990.

[108] <https://www.gov.uk/government/news/cma-revises-provisional-findings-in-amazon-deliveroo-case> ↗

[109] See **Spanish Competition Authority**, *The Spanish Competition Authority clears merger of travel agencies (Barceló / Globalia)*, 8 May 2020, *e-Competitions May 2020*, Art. N° 94996.

[110] See **UK Competition Authority**, *The UK Competition Authority blocks merger between online airline booking providers despite their sector being significantly impacted by the COVID-19 outbreak (Sabre / Farelogix)*, 9 April 2020, *e-Competitions April 2020*, Art. N° 94341 and **Porter Elliott**, *The UK Competition Authority blocks a proposed merger in the market for the supply of merchandising solutions and distribution systems to airlines despite the COVID-19 pandemic (Sabre / Farelogix)*, 9 April 2020, *e-Competitions April 2020*, Art. N° 94694.

[111] See **UK Competition Authority**, *The UK Competition Authority blocks sports-fashion merger finding that even with COVID-19 significantly impacting the relevant sector there would still be negative effects on the competition if the merger proceeded (JD Sports / Footasylum)*, 6 May 2020, *e-Competitions June 2020*, Art. N° 94715 and **Porter Elliott**,

The UK Competition Authority blocks a sports-fashion retailer acquisition finding that even with COVID-19 significantly impacting the relevant sector, the transaction would lead to a substantial lessening of competition nationally (JD Sports / Foot asylum), 6 May 2020, e-Competitions June 2020, Art. N° 95163.

[112] See **UK Competition Authority**, *The UK Competition Authority finds that a merger in the online secondary ticketing market raises competition concerns even after accounting for the COVID-19 difficulties (StubHub / viagogo), 11 June 2020, e-Competitions Preview, Art. N° 95350.*

[113] https://ec.europa.eu/commission/presscorner/detail/en/IP_20_528 ↗.

See **Philippe Tengelmann, Geoffrey P. Burgess, Timothy McIver, Anne-Mette Heemsoth**, *The EU Commission's President calls on the EU governments to either adopt or enforce investment screening mechanisms during the COVID-19 outbreak, 25 March 2020, e-Competitions March 2020, Art. N° 93951*, **Aline Doussin, Eleni Theodoropoulou, Imogen Brooks, Lourdes Catrain, Falk Schöning**, *The EU Commission issues guidance to EU Member states concerning foreign direct investment during the COVID-19 outbreak, 25 March 2020, e-Competitions March 2020, Art. N° 94045*, and **Edward Crane, Aurèle Delors, John Messent, Francesco Iodice, Mirko von Bieberstein, Michael J. Ulmer, Giuseppe Scassellati-Sforzolini, Nicholas Levy, François-Charles Laprèvote, Richard Pepper, Konstantin Bondarenko**, *The EU Commission issues guidance on the screening of foreign direct investments in the context of the COVID-19 pandemic, 25 March 2020, e-Competitions March 2020, Art. N° 94051.*

[114] See e.g. French Minister of the Economy and Finance Bruno Le Maire:

<https://twitter.com/BrunoLeMaire/status/1255408553139081216> ↗

[115] See **German Competition Authority**, *The German Competition Authority clears acquisition of key European shunter manufacturer by Chinese state-owned manufacturer of railway vehicles because the target company's competitiveness has been decreasing for years (Vossloh Locomotives / CRRC Zhuzhou Locomotives), 27 April 2020, e-Competitions April 2020, Art. N° 94675*, **Porter Elliott**, *The German Competition Authority approves an acquisition between two locomotives on the basis that the company's competitiveness decreased over the years (Vossloh / Zhuzhou), 27 April 2020, e-Competitions June 2020, Art. N° 95162*, and **Marcio da Silva Lima, Jörg Witting**, *The German Competition Authority approves an acquisition between two locomotives (Vossloh / Zhuzhou), 27 April 2020, e-Competitions April 2020, Art. N° 94981.*

[116] See **Australian Competition Authority**, *The Australian Competition Authority provides guidance for the merger clearances, authorisations, notifications and CTMs during the COVID-19 pandemic, 27 March 2020, e-Competitions March 2020, Art. N° 94407*, **Australian Competition Authority**, *The Australian Competition Authority publishes its response to the COVID-19 pandemic to adjust the focus of its regulatory activities, 27 March 2020, e-Competitions March 2020, Art. N° 94524*, and **Lynne Lewis, Megan Edwards, Tom Macken, Thomas Jones**, *The Australian Competition Authority announces a re-focus of its 2020 compliance and enforcement priorities in response to the COVID-19 pandemic, 27 March 2020, e-Competitions June 2020, Art. N° 95270.*

[117] https://www.cci.gov.in/sites/default/files/whats_newdocument/scan1.pdf ↗;

https://www.cci.gov.in/sites/default/files/whats_newdocument/30thcircular.pdf ↗.

See **Pallavi Shroff, John Handoll, Naval Satarawala Chopra, Shweta Shroff Chopra, Harman Singh Sandhu, Manika Brar, Aparna Mehra, Gauri Chhabra, Yaman Verma, Rohan Arora**, *The Indian Competition Authority extends its office closure and suspension of hearing all non-urgent cases in line with the Government's response to the COVID-19 outbreak, 30 March 2020, e-Competitions March 2020, Art. N° 94106.*

[118] <https://phcc.gov.ph/commission-resolution-no-011-2020-adopting-the-interim-guidelines-on-the-operations-of-the-mergers-and-acquisitions-office-during-the-modified-enhanced-community-quarantine/> ↗

[119] [http://www.ftc.go.kr/solution/skin/doc.html?](http://www.ftc.go.kr/solution/skin/doc.html?fn=e244fa2aaaf74067d51b3d9ee0a617263f95129ba31f7e46576f88325031f221&rs=/fileupload/data/result/BBSMSTR_00000002402/)

[fn=e244fa2aaaf74067d51b3d9ee0a617263f95129ba31f7e46576f88325031f221&rs=/fileupload/data/result/BBSMSTR_00000002402/](http://www.ftc.go.kr/solution/skin/doc.html?fn=e244fa2aaaf74067d51b3d9ee0a617263f95129ba31f7e46576f88325031f221&rs=/fileupload/data/result/BBSMSTR_00000002402/) ↗

[120] See **US Federal Trade Commission**, *The US FTC Premerger Notification Office temporarily institutes mandatory e-filing system as a special measure due to COVID-19, 13 March 2020, e-Competitions March 2020, Art. N° 93780*. See analysis by **Mark D. Powell, Heather Greenfield, Nicholas Putz, George Paul, Rebecca H. Farrington, Axel P. Schulz, Jan Jeram**, *The US DoJ and FTC implement policies in response to COVID-19 including new measures to the HSR e-filing system, 13 March 2020, e-Competitions March 2020, Art. N° 93723*, **Leo Caseria, Robert L. Magielnicki, Malika Levarlet, Bevin M.B. Newman**, *The US FTC introduces temporary electronic HSR filing and stops granting early terminations for all filings due to COVID-19 measures, 13 March 2020, e-Competitions March 2020, Art. N° 93836*, and **Michael A. Gleason, Michael H. Knight, Lauren Miller Forbes, John W. Magruder**, *The US DoJ and FTC issue guidance on merger review during the COVID-19 outbreak and confirm that they continue to operate despite merging parties expecting lengthier reviews, 13 March 2020, e-Competitions March 2020, Art. N° 94491.*

[121] See **US Department of Justice Antitrust Division**, *The US DOJ extends its timing of merger investigations by 30 days and allows electronic filing of Hart-Scott-Rodino submissions among special measures due to COVID-19*, 17 March 2020, *e-Competitions March 2020*, Art. N° 93779, **Michael A. Gleason, Michael H. Knight, Lauren Miller Forbes, John W. Magruder**, *The US FTC and DOJ adopt new mergers procedures in response to the COVID-19 pandemic outbreak*, 17 March 2020, *e-Competitions March 2020*, Art. N° 93804, and **Megan Browdie, Sharon Connaughton, Jacqueline Grise**, *The US FTC and US DoJ announces modifications to their policies and procedures, due to the COVID-19 pandemic, including timing and processes in place for reviewing transaction subject to mandatory reporting under HSR*, 17 March 2020, *e-Competitions March 2020*, Art. N° 93922.

[122] See **Canadian Competition Bureau**, *The Canadian Competition Authority issues letter to the Canadian Bar Association regarding impacts of the COVID-19 pandemic on its operations*, 18 March 2020, *e-Competitions March 2020*, Art. N° 93829.

[123] See **Brazilian Competition Authority (CADE)**, *The Brazilian Competition Authority clarifies procedural deadlines of the agency following the Government's new COVID-19 measures*, 26 March 2020, *e-Competitions March 2020*, Art. N° 94036.

[124] <http://pesquisa.in.gov.br/imprensa/jsp/visualiza/index.jsp?data=12/06/2020&jornal=515&pagina=2&totalArquivos=98> ↗

[125] <https://www.ftc.gov/news-events/blogs/competition-matters/2020/05/failing-firms-miraculous-recoveries> ↗

[126] https://ec.europa.eu/commission/presscorner/detail/en/ip_20_459 ↗.

See **Hans-Georg Kamann, Frédéric Louis, Christian Duvernoy, Anne Vallery, John Ratliff**, *The EU Commission issues a communication recalling the various options for Member States that are within the rules and adopts a Temporary Framework for support measures to help with the effects of COVID-19 in order to prevent unfair distortions of competition and trade within the EU's internal market*, 13 March 2020, *e-Competitions March 2020*, Art. N° 93861, **Jacques Derenne, Dimitris Vallindas, Ciara Barbu-O'Connor**, *The EU Commission adopts a series of measures implementing a flexible approach for approving urgent aid granted by member states to companies affected by the COVID-19 outbreak*, 13 March 2020, *e-Competitions March 2020*, Art. N° 93862, and **Markus Wellinger**, *The EU Commission adopts the communication on the coordinated economic response to the COVID-19 outbreak*, 13 March 2020, *e-Competitions March 2020*, Art. N° 94006.

[127] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.187.01.0001.01.ENG ↗

[128] https://ec.europa.eu/competition/state_aid/what_is_new/sa_covid19_temporary-framework.pdf ↗.

See **James Webber, Ruba Noorali, Sara Ashall, Matthew Readings, Elvira Aliende Rodriguez**, *The EU Commission announces a major relaxation of the State aid rules via a new Temporary Framework during the COVID-19 outbreak*, 19 March 2020, *e-Competitions March 2020*, Art. N° 93813, **Sabine Naugès, Daniel von Brevern, Christian Krohs, Andrea L. Hamilton, David Henry, Wilko Van Weert, Laurent Ayache**, *The EU Commission adopts a temporary framework allowing Member States to grant State aid to businesses to help them face the COVID-19 crisis*, 19 March 2020, *e-Competitions March 2020*, Art. N° 93907, and **Falk Schöning, Sabrina Borocci, Casto Gonzalez-Paramo, Mark Jones, Eric Paroche, Marc Schweda**, *The EU Commission publishes its approach to State aid in the COVID-19 context*, 19 March 2020, *e-Competitions March 2020*, Art. N° 93910.

[129] [https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:52014XC0731\(01\)](https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:52014XC0731(01)) ↗

[130] See **European Commission**, *The EU Commission consults with Member States on extending the State aid Temporary Framework for COVID-19 outbreak with 5 new measures*, 27 March 2020, *e-Competitions March 2020*, Art. N° 94027.

[131] See **European Commission**, *The EU Commission extends Temporary Framework to enable Member States to accelerate research, testing and production of coronavirus relevant products, to protect jobs and to further support the economy in the COVID-19 outbreak*, 3 April 2020, *e-Competitions April 2020*, Art. N° 94097. See analysis by **Joanna Christoforou, Leonidas Theodosiou**, *The EU Commission revises its temporary framework for State aid to support the economy during the COVID-19 pandemic and allows investment aid to companies involved in the fight against the outbreak*, 3 April 2020, *e-Competitions April 2020*, Art. N° 94152, **Kai Struckmann, Genevra Forwood, Yann Utzschneider, Christoph Arhold, Orion Berg, Aqeel Kadri, Kate Kelliher**, *The EU Commission adopts an amendment to extend the temporary framework for State aid measures to support the economy in the COVID-19 outbreak*, 3 April 2020, *e-Competitions April 2020*, Art. N° 94180, and **Paula Riedel, Thomas Wilson, Shane Cranley**, *The EU Commission issues a first amendment to the Temporary Framework enabling Members States to accelerate research and development testing and the manufacture of COVID-19 relevant products*, 3 April 2020, *e-Competitions April 2020*, Art. N° 94255.

[132] See **European Commission**, *The EU Commission consults with Member States on further expanding the State aid Temporary Framework for COVID-19 outbreak to recapitalisation measures*, 9 April 2020, *e-Competitions April 2020*, Art. N° 94336 and **Jay Modrall**, *The EU Commission President forms a team to coordinate the State aid schemes and the EU response to the COVID-19 crisis*, 9 April 2020, *e-Competitions April 2020*, Art. N° 94204.

[133] See **European Commission**, *The EU Commission expands temporary framework to recapitalisation and subordinated debt measures to further support the economy in the context of the COVID-19 outbreak*, 8 May 2020, *e-Competitions June 2020*, Art. N° 94809. See analysis by **Eric Paroche**, **Sabrina Borocci**, **Casto Gonzalez-Paramo**, **Mark Jones**, **Suyong Kim**, **Falk Schöning**, **Marc Schweda**, *The EU Commission authorises State aid measure following the COVID-19 outbreak to help companies cover their immediate liquidity needs through bank loans guaranteed by EU member states*, 8 May 2020, *e-Competitions June 2020*, Art. N° 94865, **Joanna Christoforou**, **Leonidas Theodosiou**, *The EU Commission revises its temporary framework for State aid to allow capital injections by EU member states into non financial firms affected by the COVID-19 outbreak*, 8 May 2020, *e-Competitions June 2020*, Art. N° 94866, and **Kai Struckmann**, **Genevra Forwood**, **Christoph Arhold**, **Orion Berg**, **Marc Israel**, **Irina Trichkovska**, **Aqeel Kadri**, **Kate Kelliher**, *The EU Commission extends its COVID-19 State aid rules to recapitalisation and subordinated debt measure*, 8 May 2020, *e-Competitions June 2020*, Art. N° 95059.

[134] See **European Commission**, *The EU Commission consults Member States on proposal to expand State aid Temporary Framework to further support micro, small and start-up companies and incentivise private investments in the wake of COVID-19 outbreak*, 12 June 2020, *e-Competitions Preview*, Art. N° 95349.

[135] See **European Commission**, *The EU Commission approves German measures to support economy in COVID-19 outbreak*, 22 March 2020, *e-Competitions March 2020*, Art. N° 94024.

[136] See **European Commission**, *The EU Commission approves German direct grant scheme to support companies affected by COVID-19 outbreak*, 24 March 2020, *e-Competitions March 2020*, Art. N° 94020.

[137] See **European Commission**, *The EU Commission approves three French State aid schemes in order to support the economy in the context of the COVID-19 outbreak*, 21 March 2020, *e-Competitions March 2020*, Art. N° 93868.

[138] See **European Commission**, *The EU Commission approves a Danish State aid scheme to compensate the companies activities affected negatively by the COVID-19 outbreak*, 8 April 2020, *e-Competitions April 2020*, Art. N° 94187.

[139] See **European Commission**, *The EU Commission approves a €50 million Italian State aid scheme to support the production and supply of medical devices*, 22 March 2020, *e-Competitions March 2020*, Art. N° 93877.

[140] See **European Commission**, *The EU Commission approves a €30 million Luxembourg State aid scheme related to research and development and investment in the production during the COVID-19 crisis*, 8 April 2020, *e-Competitions April 2020*, Art. N° 94239.

[141] See **European Commission**, *The EU Commission approves Czech scheme of up to €37 million in direct grants to support investments in the production of COVID-19-relevant products*, 15 April 2020, *e-Competitions April 2020*, Art. N° 94261.

[142] See **European Commission**, *The EU Commission approves a €140 million Portuguese State aid scheme to support investment in research and development during the COVID-19 outbreak*, 17 April 2020, *e-Competitions April 2020*, Art. N° 94339.

[143] See **European Commission**, *The EU Commission approves €11.5 million Maltese scheme to support investments in the production of COVID-19-relevant products*, 12 May 2020, *e-Competitions June 2020*, Art. N° 94835.

[144] See **European Commission**, *The EU Commission approves an Austrian State aid scheme to support small and medium-sized enterprises during the COVID-19 outbreak*, 17 April 2020, *e-Competitions April 2020*, Art. N° 94333.

[145] https://ec.europa.eu/commission/presscorner/detail/en/mex_20_995 ↗

[146] See **European Commission**, *The EU Commission approves €5 billion French “umbrella” scheme to support research, development, testing infrastructures and production of COVID-19 relevant products*, 5 June 2020, *e-Competitions June 2020*, Art. N° 95272.

[147] See **European Commission**, *The EU Commission approves French scheme deferring payment by airlines of certain taxes to mitigate economic impact of COVID-19 outbreak*, 31 March 2020, e-Competitions March 2020, Art. N° 94091.

[148] See **European Commission**, *The EU Commission approves French plans to provide €7 billion in urgent liquidity support to Air France due to the COVID-19 outbreak*, 4 May 2020, e-Competitions May 2020, Art. N° 94648.

[149] See **European Commission**, *The EU Commission approves a €137 million Swedish State aid public guarantee to compensate an airline company for damage suffered due to the COVID-19 crisis*, 24 April 2020, e-Competitions April 2020, Art. N° 94479.

[150] See **European Commission**, *The EU Commission approves Danish public guarantee of up to €137 million to compensate airline SAS for damage caused by COVID-19 outbreak*, 15 April 2020, e-Competitions April 2020, Art. N° 94292.

[151] See **European Commission**, *The EU Commission approves a €550 million German State-guaranteed loan to compensate airline Condor for damage caused by COVID-19 outbreak*, 27 April 2020, e-Competitions April 2020, Art. N° 94477.

[152] See **European Commission**, *The EU Commission approves €286 million Finnish State aid measure to recapitalise national airline which is considered essential to the recovery of the national economy after the COVID-19 outbreak (Finnair)*, 10 June 2020, e-Competitions Preview, Art. N° 95321.

[153] https://ec.europa.eu/commission/presscorner/detail/en/mex_20_904 ↗

[154] See **European Commission**, *The EU Commission approves €455 million Swedish guarantee scheme to support airlines affected by COVID-19 outbreak*, 11 April 2020, e-Competitions April 2020, Art. N° 94223.

[155] See **European Commission**, *The EU Commission approves €35.5 million Latvian direct grant scheme to support agriculture, fishery, food and school catering sectors in COVID-19 outbreak*, 16 April 2020, e-Competitions April 2020, Art. N° 94319.

[156] See **European Commission**, *The EU Commission approves €100 million Italian guarantee scheme to support SMEs in the agriculture, forestry, fishery and aquaculture sectors affected by the COVID-19 outbreak*, 21 April 2020, e-Competitions April 2020, Art. N° 94440.

[157] See **European Commission**, *The EU Commission approves €50 million Italian subsidised loans scheme to support agriculture, forestry and fishery sectors affected by COVID-19 outbreak in Friuli Venezia Giulia region*, 21 April 2020, e-Competitions April 2020, Art. N° 94442.

[158] See **European Commission**, *The EU Commission approves €30 million Italian scheme to support SMEs in the agriculture and fishery sectors affected by COVID-19 outbreak*, 4 May 2020, e-Competitions June 2020, Art. N° 94679.

[159] https://ec.europa.eu/commission/presscorner/detail/en/mex_20_917 ↗

[160] See **European Commission**, *The EU Commission approves €40 million Finnish direct grant schemes to support companies in the agriculture and fishery sectors affected by COVID-19 outbreak*, 6 May 2020, e-Competitions May 2020, Art. N° 94755.

[161] See **European Commission**, *The EU Commission approves €314 million Hungarian guarantee scheme to support SMEs active in the agri-food value chain during the COVID-19 outbreak*, 7 May 2020, e-Competitions June 2020, Art. N° 94807.

[162] https://ec.europa.eu/commission/presscorner/detail/en/mex_20_995 ↗

[163] https://ec.europa.eu/commission/presscorner/detail/en/mex_20_1063 ↗

[164] https://ec.europa.eu/commission/presscorner/detail/en/mex_20_1111 ↗

[165] https://ec.europa.eu/commission/presscorner/detail/en/mex_20_1111 ↗

[166] https://ec.europa.eu/commission/presscorner/detail/en/MEX_20_970 ↗

[167] See **European Commission**, *The EU Commission approves €10 billion French guarantee scheme to support domestic credit insurance market in COVID-19 outbreak*, 12 April 2020, *e-Competitions April 2020*, Art. N° 94252.

[168] See **European Commission**, *The EU Commission approves German guarantee scheme to stabilise trade credit insurance market in COVID-19 outbreak*, 14 April 2020, *e-Competitions April 2020*, Art. N° 94253.

[169] See **European Commission**, *The EU Commission approves Danish guarantee scheme to stabilise trade credit insurance market in COVID-19 outbreak*, 15 May 2020, *e-Competitions June 2020*, Art. N° 94983.

[170] https://ec.europa.eu/commission/presscorner/detail/en/mex_20_900 ↗

[171] See **European Commission**, *The EU Commission approves Dutch guarantee scheme to stabilise trade credit insurance market in COVID-19 outbreak*, 25 May 2020, *e-Competitions June 2020*, Art. N° 95112.

[172] See **European Commission**, *The EU Commission approves €5 million Lithuanian scheme in the form of loan interest payments for SMEs active in road freight transport affected by the COVID-19 outbreak*, 24 April 2020, *e-Competitions April 2020*, Art. N° 94466.

[173] See **European Commission**, *The EU Commission approves €600 million Finnish guarantee scheme to support maritime companies affected by the COVID-19 outbreak*, 28 May 2020, *e-Competitions June 2020*, Art. N° 95149.

[174] https://ec.europa.eu/commission/presscorner/detail/en/mex_20_959 ↗

[175] https://ec.europa.eu/commission/presscorner/detail/en/ip_20_454 ↗. See **Kai Struckmann**, **Genevra Forwood**, **Christoph Arhold**, **Aqeel Kadri**, *The EU Commission approves the first COVID-19 related State aid notification submitted by Denmark within 24 hours of the notification to compensate damages caused by cancellations of large public events*, 12 March 2020, *e-Competitions March 2020*, Art. N° 93771 and **Amélie Champsaur**, **Daniel P. Culley**, **François-Charles Laprèvote**, **Till Mueller-Ibold**, *The EU Commission approves a COVID-19 related measure aimed at compensating event organisers for losses caused by cancellation*, 12 March 2020, *e-Competitions March 2020*, Art. N° 93809.

[176] See **European Commission**, *The EU Commission approves €38 million Swedish scheme to compensate damages caused by cancelled or postponed cultural events due to COVID-19 outbreak*, 22 April 2020, *e-Competitions April 2020*, Art. N° 94446.

[177] https://ec.europa.eu/commission/presscorner/detail/en/mex_20_929 ↗