

COMPETITION AND REGULATED MARKETS

COVID-19 Practical Considerations: CCPC implements temporary merger process

25 March 2020

On 18 March 2020, the Competition and Consumer Protection Commission ("**CCPC**") published a statement outlining how the Irish merger notification process has been affected by COVID-19 and setting out changes to the process amid the outbreak. For the full CCPC statement please click [here](#).

The CCPC has encouraged notifying parties where possible to delay filings, and established a temporary process for the electronic notification of mergers. In order to ensure business continuity in merger review and in line with Government advice, the CCPC also confirmed that it will now largely be reviewing notified mergers and acquisitions remotely.

CCPC Encourages Delay in Notifications and outlines Temporary Notification Process

There remains an obligation on parties to notify a transaction to the CCPC that meets the relevant thresholds under the Competition Act 2002 (as amended) before it is put into effect. However, while the CCPC will continue to review transactions and the normal statutory procedure and deadlines continue to

apply to the review of notified mergers, the CCPC has encouraged notifying parties where possible "*to delay filing planned merger notifications until further notice*". In particular, the CCPC has explained that the disruption caused by COVID-19 would make the effective collection and assessment of information during the merger review process very difficult.

As of 18 March 2020, where delay is not possible, the notification process for mergers is as follows:

- Parties intending to submit a notification (or who have difficulty with submitting a notification electronically) should contact the CCPC's Director of Competition Enforcement and Mergers.
- Notifying parties should complete the prescribed Merger Notification Form (which remains unchanged)

and submit it and all supporting documentation electronically by email to mergers@ccpc.ie.

- Electronic notifications must be submitted to the CCPC before 4.30pm from Monday to Friday.
- The notification fee of €8,000 must be made by electronic funds transfer using the bank account details set out in the Merger Notification Form.
- Any "required documents" during the merger review must also be submitted in electronic format under the correct case reference number before 4.30pm from Monday to Friday.

The CCPC's temporary mergers process mirrors similar steps taken by the European Commission and other national competition authorities around Europe in response to the ongoing COVID-19 crisis.

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