

DOJ and FTC extend deadline for public comments on draft vertical merger guidelines

4 February 2020

The Federal Trade Commission (FTC)¹ and Department of Justice (DOJ)² have extended the deadline for public comments on the draft vertical merger guidelines (the Guidelines), which were published jointly by the agencies on 10 January 2020. The new deadline for public comments is 26 February 2020³. The Guidelines provide a roadmap for how regulators review vertical mergers to determine whether the deals violate the antitrust laws.⁴

The agencies also announced two half-day public workshops to solicit public dialogue on the Guidelines. The workshops, to be held on 11 March 2020 and 18 March 2020 in Washington, D.C., are intended to "allow for a dynamic discussion about the proposed guidelines to complement any written public comments about the draft guidelines that are submitted to the agencies."⁵ Panelists for the workshops will be selected from among interested parties who submit public comments. The agencies will consider both the public comments and workshop discussions in issuing a final version of the vertical merger guidelines.

Next steps

Parties interested in submitting public comments on the draft vertical merger guidelines should email their comments to verticalmergerguidelines@ftc.gov and verticalmergerguidelines@usdoj.gov by 26 February 2020. Submissions should indicate whether the commenter would like to be considered to serve as a panelist during either of the scheduled workshops.

¹ Federal Trade Commission press release, FTC and DOJ Extend Deadline for Public Comments on Draft Vertical Merger Guidelines, Announce Two Related Public Workshops (3 February 2020) available at https://www.ftc.gov/news-events/press-releases/2020/02/ftc-doj-extend-deadline-public-comments-draft-vertical-merger?utm_source=govdelivery

² Department of Justice press release, Justice Department and FTC Announce Workshops on Draft Vertical Merger Guidelines, Extend Comment Period (3 February 2020) available at <https://www.justice.gov/opa/pr/justice-department-and-ftc-announce-workshops-draft-vertical-merger-guidelines-extend-comment>

³ The initial deadline was February 11, 2020

⁴ Hogan Lovells client alert, DOJ and FTC publish draft vertical merge guidelines (14 January 2020) available at <https://www.hoganlovells.com/en/publications/doj-and-ftc-publish-draft-vertical-merger-guidelines>

⁵ Department of Justice press release, Justice Department and FTC Announce Workshops on Draft Vertical Merger Guidelines, Extend Comment Period (3 February 2020)

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