

## Covid–19 coronavirus update: Global application of antitrust rules

Last updated 26/03/20

Adverse economic or social conditions have not historically tended to affect the general application and enforcement of antitrust rules. This remains the overall position in the circumstances of Covid-19, with many antitrust authorities expressly stating that they will continue to actively monitor business behaviour and take strict action against infringements. Nevertheless, some authorities have announced that, in certain limited scenarios, they will apply exemptions from, or relaxations of, the rules. The table below sets out an overview, based on our current awareness of the position, of the different approaches being taken by authorities around the world. It will be updated regularly to track the situation as it evolves. Any exemption from the antitrust rules or relaxation in an authority's approach to enforcement is shown in red.

For more information on the potential impact of coronavirus on the antitrust issues relevant to your business, please speak to your usual A&O antitrust contact.

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
<b>Americas</b>		
<b>Brazil</b> Administrative Council for Economic Defense (CADE)	– CADE has opened proceedings into whether healthcare sector companies have been increasing prices and profits in an arbitrary and abusive manner.	– <a href="#">Press release</a> (in Portuguese), CADE (18/03/20), plus PaRR summary

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
<b>Canada</b> Competition Bureau (Bureau)	<ul style="list-style-type: none"> <li>The Bureau remains vigilant against potentially harmful anti-competitive conduct by those who may seek to take advantage of consumers and businesses in the current situation, eg collusion between rivals, including as to what price to charge. It is committed to a "reasonable and principled enforcement of Canada's competition laws".</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Statement from the Commissioner of Competition regarding enforcement during the Covid-19 coronavirus situation</a>, Bureau (20/03/20)</li> </ul>
<b>Colombia</b> Colombian Superintendence of Industry and Commerce (SIC)	<ul style="list-style-type: none"> <li>SIC has sent a letter to trade associations warning that competition and consumer rights will be preserved as Covid-19 spreads in the country.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Press release</a> (in Spanish), SIC (23/03/20), plus PaRR summary</li> </ul>
<b>Dominican Republic</b> National Commission for the Defence of Competition (ProCompetencia)	<ul style="list-style-type: none"> <li><b>ProCompetencia is monitoring business behaviour in the markets for essential goods and services. It has no intention of acting against cooperation or coordination between companies to the extent needed to protect consumers and ensure supply.</b></li> <li>But it will not tolerate abusive conditions or collusion, nor the long-term exchange of information that could have an impact on individual business strategies or pricing.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Press release</a> (in Spanish), ProCompetencia (23/03/20), plus PaRR summary</li> </ul>
<b>Ecuador</b> Ecuador Competition Authority (SCPM)	<ul style="list-style-type: none"> <li>SCPM urges manufacturers, suppliers and retailers of respiratory devices and antiseptic products not to take advantage of the pandemic.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Statement</a> (in Spanish), SCPM (03/20), plus PaRR summary</li> </ul>
<b>United States</b> Federal Trade Commission (FTC), Department of Justice (DOJ)	<ul style="list-style-type: none"> <li>The DOJ will hold accountable anyone who violates U.S. antitrust laws in connection with the manufacturing, distribution, or sale of public health products such as face masks, respirators, and diagnostics.</li> <li>Individuals or companies that fix prices or rig bids for personal health protection equipment such as sterile gloves and face masks could face criminal prosecution. Competitors who agree to allocate among themselves consumers of public health products could also be prosecuted.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Justice Department Cautions Business Community Against Violating Antitrust Laws in the Manufacturing, Distribution, and Sale of Public Health Products</a>, DOJ (09/03/20)</li> <li><a href="#">Federal Trade Commission and Justice Department Announce Expedited Antitrust Procedure and Guidance for Coronavirus Public</a></li> </ul>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<ul style="list-style-type: none"> <li>– The DOJ's Procurement Collusion Strike Force will also be on high alert for collusive practices in the sale of such products to federal, state, and local agencies.</li> <li>– The FTC and DOJ have put in place an expedited procedure under which they will respond to all Covid-19-related requests, and resolve those addressing public health and safety, within seven calendar days of receiving all necessary information. This will facilitate quicker review and provision of guidance to businesses about the likely legality of their proposed conduct under antitrust laws.</li> <li>– The FTC and DOJ list several types of collaborative activities designed to improve the health and safety response to the pandemic that would likely be consistent with the antitrust laws. They note that they will account for the current demanding circumstances when assessing collaboration, giving the examples of healthcare facilities working together to provide resources/services to communities without immediate access to personal protective equipment, medical supplies, or healthcare, and businesses temporarily combining production, distribution, or service networks to facilitate production and distribution of Covid-19-related supplies. The agencies state that these sorts of joint efforts, limited in duration and necessary to assist patients, consumers, and communities affected by Covid-19 and its aftermath, may be a necessary response.</li> </ul>	<p><a href="#">Health Efforts</a>, FTC and DOJ (24/03/20)</p> <p>– <a href="#">Joint antitrust statement regarding Covid-19</a>, FTC and DOJ (24/03/20)</p>
<b>Europe</b>		
The <b>European Competition Network (ECN)</b> has issued a <b>joint statement</b> on behalf of the European Commission, EFTA Surveillance Authority, and antitrust authorities of EU Member States	<ul style="list-style-type: none"> <li>– The ECN notes that the current situation may trigger the need for companies to cooperate in order to ensure the supply and fair distribution of scarce products to all consumers. It will not actively intervene against necessary and temporary measures put in place in order to avoid a shortage of supply.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Joint statement by the European Competition Network (ECN) on application of competition law during the Corona crisis</a>, ECN (23/03/20)</li> </ul>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
<p>and of EEA Member States (ie Iceland, Liechtenstein and Norway).</p> <p>When considering any of these authorities, <b>please refer to this statement as well as any additional statement by the individual authority</b>, as set out below.</p> <p>Note that the UK is no longer part of the ECN.</p>	<ul style="list-style-type: none"> <li>– Such measures are unlikely to be problematic, since they would either not amount to a restriction of competition under EU/EEA antitrust rules, or would generate efficiencies that would most likely outweigh any such restriction.</li> <li>– If companies have doubts about the compatibility of such cooperation initiatives with EU/EEA antitrust law, they can reach out to the European Commission, the EFTA Surveillance Authority or the national antitrust authority concerned for informal guidance.</li> <li>– The ECN notes that at the same time it is of utmost importance to ensure that products considered essential to protect the health of consumers in the current situation (eg face masks and sanitising gel) remain available at competitive prices. The ECN will therefore not hesitate to take action against companies taking advantage of the current situation by cartelising or abusing their dominant position.</li> </ul>	
<p><b>Czech Republic</b></p> <p>Office for Protection of Competition (CCA)</p>	<ul style="list-style-type: none"> <li>– The CCA is continuously monitoring all markets, including those for pharma products and medical equipment.</li> <li>– It has suspended dawn raids.</li> </ul>	<ul style="list-style-type: none"> <li>– PaRR report on statement by CCA spokesperson (19/03/20)</li> </ul>
<p><b>Denmark</b></p> <p>Danish Competition and Consumer Authority (DCCA)</p>	<ul style="list-style-type: none"> <li>– The DCCA won't actively pursue cases of necessary and temporary cooperation between companies if they are doing this to prevent adverse effects on consumers and to maintain security of supply.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Statement</a> (in Danish), DCCA (23/03/20), plus Mlex summary</li> </ul>
<p><b>Finland</b></p> <p>Finnish Competition and Consumer Authority (FCCA)</p>	<ul style="list-style-type: none"> <li>– The FCCA will take into account the exceptional circumstances caused by Covid-19 when applying the Competition Act. It recognises that companies may need to work together to ensure adequate supply or the equal distribution of products to all consumers. It will not intervene in measures that are necessary to ensure the sufficient availability of products.</li> <li>– However, the FCCA will be resolute in intervening in cartels which aim to raise prices. The same will apply to abuse of a dominant position to</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Exceptional circumstances caused by the coronavirus to affect the application of the Finnish Competition Act</a>, FCCA (23/03/20)</li> </ul>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	exclude competitors from the market or to charge manifestly unfair prices.	
<b>France</b> French Competition Authority (FCA)	<ul style="list-style-type: none"> <li>President of the FCA Isabelle de Silva has been reported as saying that the FCA is closely monitoring the prices charged for certain types of goods, in particular on online shopping and delivery platforms.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Coronavirus: L'Autorité de la concurrence surveille les éventuels prix abusifs</a>, Reuters (17/03/20)</li> </ul>
<b>Germany</b> Federal Cartel Office (FCO)	<ul style="list-style-type: none"> <li>The FCO is open to a dialogue with companies as well as policy makers to let firms cooperate and exchange information.</li> <li>The government is in contact with the FCO over the possibility of allowing cooperation in the grocery retail sector.</li> </ul>	<ul style="list-style-type: none"> <li>PaRR report on discussions with FCO President and a spokesperson for the German Federal Ministry for Economic Affairs (20/03/20)</li> </ul>
<b>Greece</b> Hellenic Competition Commission (HCC)	<ul style="list-style-type: none"> <li>The HCC has issued a statement on the application of competition rules, in particular setting out the rules on vertical agreements, and giving examples of where resale price maintenance (RPM) in the present social and economic conditions may fall within the scope of the EU Vertical Agreements Block Exemption Regulation. It will continue to examine RPM and will penalise firms that engage in anti-competitive practices.</li> <li>The HCC has sent requests for information to a large number of companies active in the production, import and marketing of healthcare products over reports/complaints of price increases and output restrictions.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Application of competition rules</a>, HCC (16/03/20)</li> <li><a href="#">Investigation into healthcare materials</a>, HCC (21/03/20)</li> </ul>
<b>Iceland</b> Icelandic Competition Authority (ICA)	<ul style="list-style-type: none"> <li>The ICA has granted a number of temporary exemptions from the anti-collusion rules, including: <ul style="list-style-type: none"> <li>Various cooperation in the travel and tourism sectors, including between travel agents and between travel services.</li> <li>Cooperation between importers and distributors of pharmaceuticals, aimed at securing necessary access to important pharmaceuticals.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Press release</a> (in Icelandic), ICA (04/03/20), plus Global Competition Review summary</li> <li><a href="#">Covid-19: Application of competition rules and competition enforcement in crisis</a>, ICA (23/03/20)</li> </ul>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<ul style="list-style-type: none"> <li>– Cooperation between financial undertakings within the Icelandic Financial Services Association in order to prepare uniform measures address liquidity problems and financial distress.</li> <li>– Applications for exemptions concerning Covid-19 will be processed by the ICA in less than 48 hours from receipt.</li> <li>– The ICA invites consumers, undertakings and the public sector to report to it all indications on unreasonable increases in prices.</li> </ul>	
<b>Latvia</b> Competition Council of the Republic of Latvia (LaCC)	<ul style="list-style-type: none"> <li>– The LaCC has warned businesses against using the current situation to apply excessive prices or committing antitrust infringements eg agreeing prices between businesses, or between suppliers and traders.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Authorities for consumer rights and competition in Latvia call entrepreneurs to act in good faith during the emergency situation</a>, LCC (18/03/20)</li> </ul>
<b>Lithuania</b> Lithuanian Competition Council (LiCC)	<ul style="list-style-type: none"> <li>– The LiCC has published a letter to the Government warning against price regulation for essential goods and services, highlighting the concern it could increase the problem of shortages and lead to increased exports from companies seeking of higher prices.</li> </ul>	<ul style="list-style-type: none"> <li>– Mlex report on statement by LiCC (26/03/20)</li> </ul>
<b>Moldova</b> Competition Council	<ul style="list-style-type: none"> <li>– The Competition Council has warned companies against colluding to increase prices or abusing their dominant position.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Press release</a> (in Moldovan) (23/03/20), plus PaRR summary</li> </ul>
<b>Netherlands</b> Authority for Consumers and Markets (ACM)	<ul style="list-style-type: none"> <li>– The ACM will take into account the Covid-19 crisis in its enforcement approach. For example, supermarkets can inform each other about their stocks and drug wholesalers can inform each other of the quantities of products they sell. Logistical services providers can cooperate to provide Dutch citizens with vital supplies, while sectors can agree to have a lenient approach towards debtors. The ACM warns firms not to go beyond what is necessary to curtail the crisis.</li> </ul>	<ul style="list-style-type: none"> <li>– PaRR report on emailed statement from ACM head (18/03/20)</li> </ul>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
<b>Norway</b> Norwegian Competition Authority (NCA)	<ul style="list-style-type: none"> <li>The Government has granted the transport industry a three-month exemption from antitrust rules to allow them to co-ordinate to ensure they maintain critical services for the population. Any agreements and practices falling in the exemption must as far as possible further the efficient use of resources and the interests of consumers. They must also be notified to the NCA.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Press release</a> (in Norwegian), Norwegian Government (18/03/20), plus PaRR summary</li> </ul>
<b>Poland</b> Polish Competition Authority (PCA)	<ul style="list-style-type: none"> <li>The PCA is investigating two wholesalers supplying personal protective equipment to hospitals, including considering whether they breached antitrust rules when terminating their contracts with doctors.</li> <li>More generally the PCA has appointed a team that will investigate the rise in the prices of food and hygiene products. Plus prices will be monitored both online in and physical stores.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">PCA's proceedings on wholesalers' unfair conduct towards hospitals</a>, PCA (04/03/20)</li> <li><a href="#">High prices - actions taken by the Office for Competition and Consumer Protection</a>, PCA (23/03/20)</li> </ul>
<b>Portugal</b> Portuguese Competition Authority (AdC)	<ul style="list-style-type: none"> <li>The AdC has warned suppliers, distributors, and resellers from any sector that it remains particularly vigilant in detecting infringements during the outbreak, including price fixing or market sharing.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">AdC assures vigilance of anticompetitive practices that exploit current situation</a>, AdC (17/03/20)</li> </ul>
<b>Romania</b> Romanian Competition Council (RCC)	<ul style="list-style-type: none"> <li>The RCC warns companies not to restrict competition under the pretence of adopting measures to prevent the spread of Covid-19 and said it is closely monitoring conduct. It will take measures against abusive practices or cartels.</li> <li>However, in line with the ECN statement (see above) it has noted that Romanian-based companies may cooperate to avoid disruption to the availability of basic products and to secure their balanced distribution during the pandemic. It said, for example, that retailers may coordinate on transportation services. But companies should make sure their products are available at competitive prices.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Press release</a> (in Romanian), RCC (16/03/20) plus PaRR summary</li> <li><a href="#">Press release</a> (in Romanian), RCC (23/03/20) plus PaRR summary</li> <li><a href="#">Agrepress report</a> (in Romanian), (26/03/20), plus PaRR summary</li> </ul>



Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
<b>Russia</b> Federal Antimonopoly Service of the Russian Federation (FAS)	<ul style="list-style-type: none"> <li>– The RCC has begun an investigation into potential price fixing by producers of medical / sanitation supplies (in particular, companies who have recently switched to supplying these products).</li> <li>– FAS has put its inspections on hold until 10 April 2020. Dawn raids will only be conducted to protect the life and health of the Russian population, and in the field of procurement.</li> <li>– FAS work on investigations will be conducted remotely (using video-conferencing) or temporarily postponed – until 10 April 2020 inclusive.</li> <li>– The FAS will however take immediate steps to tackle any breaches of antitrust law. FAS regional offices are monitoring prices of socially-important foodstuffs and goods.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Press release</a>, FAS (23/03/20)</li> <li>– <a href="#">Press release</a>, FAS (24/03/20)</li> </ul>
<b>Spain</b> National Commission on Markets and Competition (CNMC)	<ul style="list-style-type: none"> <li>– CNMC has increased its monitoring for potential abuses that could hinder the supply or raise the prices of the products needed to protect public health, such as price gouging or agreements between operators.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Press release</a> (in Spanish), CNMC (12/03/20)</li> </ul>
<b>Switzerland</b> Competition Commission (WEKO)	<ul style="list-style-type: none"> <li>– WEKO has reminded companies that it will not tolerate actions by companies seeking to restrict competition as a result of the pandemic and stressed that WEKO will intervene to prevent such practices, noting that unless mandated by the Government or local authorities, private companies must still respect antitrust rules.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Press release</a> (in German), WEKO (26/03/20), plus PaRR summary</li> </ul>
<b>Turkey</b> Turkish Competition Authority (TCA)	<ul style="list-style-type: none"> <li>– TCA is monitoring prices in the food sector, where it has noticed unreasonable price increases. It notes that it will fine individuals and companies (including producers, intermediaries, carriers, retailers) engaged in anti-competitive conduct in the food market, especially fresh fruits and vegetables.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Press release</a> (in Turkish), TCA (24/03/20)</li> </ul>
<b>United Kingdom</b> Competition and Markets Authority (CMA)	<ul style="list-style-type: none"> <li>– The CMA has launched a taskforce that will monitor market developments to identify harmful sales and pricing practices, warn firms suspected of exploiting the exceptional circumstances through unjustifiable prices (eg the CMA has issued an "open letter" to</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">CMA statement on sales and pricing practices during Coronavirus outbreak</a>, CMA (05/03/20)</li> </ul>



Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<p>pharmaceutical and food and drink industries), take enforcement action if needed, and advise the Government on possible emergency legislation.</p> <ul style="list-style-type: none"> <li>– The UK Government has announced it is temporarily relaxing elements of competition law to allow supermarkets to share data with each other on stock levels, cooperate to keep shops open or share distribution depots and delivery vans. It would also allow retailers to pool staff with one another. Legislation will be laid shortly to amend elements of the Competition Act 1998. It will not allow any activity that does not meet the requirement of "feeding the nation during these unprecedented circumstances".</li> <li>– CMA guidance provides detail on the way in which the CMA will apply its discretion to enforce breaches of competition law. It seeks to reassure businesses that it has no intention of taking enforcement action against temporary cooperation between businesses where they: are appropriate and necessary in order to avoid a shortage, or ensure security, of supply; are clearly in the public interest; contribute to the benefit or wellbeing of consumers; deal with critical issues that arise as a result of the Covid-19 pandemic; and last no longer than is necessary to deal with these critical issues. But it notes it will not tolerate businesses exploiting the crisis as a 'cover' for non-essential collusion, including exchanging information on future pricing or business strategies, where this is not necessary to meet the needs of the current situation. Coordination leading to a reduction in the range of products available is not problematic if it is necessary to avoid shortages of essential supplies. The CMA encourages manufacturers to combat price gouging by setting maximum prices at which retailers can sell their products. The CMA also provides guidance on how it will consider whether exemptions from the competition rules apply and in what circumstances. In a non-exhaustive list, it considers that coordination is unlikely to be a problem (if restricted to what is reasonably necessary)</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Supermarkets to join forces to feed the nation</a>, UK Government (19/03/20)</li> <li>– <a href="#">Covid-19: CMA approach to essential business cooperation</a>, CMA (19/03/20)</li> <li>– <a href="#">An open letter to pharmaceutical and food and drink industries</a>, CMA (20/03/20)</li> <li>– <a href="#">CMA launches COVID-19 taskforce</a>, CMA (20/03/20)</li> <li>– <a href="#">CMA approach to business cooperation in response to Covid-19</a>, CMA (25/03/20)</li> </ul>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<p>to: avoid a shortage, or ensure security, of supply; ensure a fair distribution of scarce products, continue essential services; or provide new services eg food delivery to vulnerable consumers. Businesses can ask the CMA for additional, informal guidance on a case-by-case basis where there is genuine uncertainty about the legality of proposed actions and the matter is of critical importance.</p> <ul style="list-style-type: none"> <li>– The CMA warns businesses that any reassurance it gives cannot protect against private damages actions.</li> </ul>	
<b>Asia Pacific</b>		
<b>Australia</b> Australian Competition & Consumer Commission (ACCC)	<ul style="list-style-type: none"> <li>– The ACCC has granted urgent interim authorisation to allow the Australian Banking Association and banks to coordinate to implement a small business relief package.</li> <li>– The ACCC has also granted an interim authorisation to allow supermarkets to coordinate with each other when working with manufacturers, suppliers, and transport and logistics providers. It applies to certain specified supermarkets as well as any other grocery retailer wishing to participate. It does not allow supermarkets to agree on retail prices for products.</li> <li>– While not advocating for exemptions to the competition laws, the ACCC has advised legal practitioners that it expects to see an increase in urgent interim authorisation applications to allow firms to coordinate some conduct during the crisis, and that these applications will be an important priority for the regulator. While the ACCC has preparations in place to act on these "extremely expeditiously as necessary", it has urged parties to engage with it as early as possible in the process. It will assess urgent interim authorisation applications on a case-by-case basis, taking into account the present situation as well as the longer term impact on competition of any change in the structure of markets.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Australian Banking Association small business relief package</a>, ACCC (20/03/20)</li> <li>– Mlex report on a statement by ACCC spokesperson (18/03/20)</li> <li>– <a href="#">Supermarkets to work together to ensure grocery supply</a>, ACCC (24/03/20)</li> <li>– A&amp;O Sydney</li> <li>– <a href="#">Cooperation to aid supply of Covid-19 medical equipment</a>, ACCC (25/03/20)</li> <li>– <a href="#">ACCC authorises Regional Express to coordinate with other airlines</a>, ACCC (26/03/20)</li> </ul>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<ul style="list-style-type: none"> <li>– The ACCC has granted interim authorisation to the Medical Technology Association of Australia (MTAA) to allow its members and other groups – such as suppliers or distributors of medical equipment – to share information between each other, coordinate orders and supply requests, prioritise requests, and jointly tender to supply Covid-19 medical equipment.</li> <li>– The ACCC has granted interim authorisation to Regional Express (Rex) allowing it to coordinate flight schedules with Virgin Australia and Qantas Airways on ten important regional flight routes. The companies will also be able to share revenues from the operation of the flights however the interim authorisation is conditional on prices remaining no higher than those in place on 1 February 2020.</li> </ul>	
<b>China</b> State Administration for Market Regulation (SAMR)	<ul style="list-style-type: none"> <li>– SAMR has released several notices on Covid-19-protection related products and has taken enforcement action, including against stockpiling, forcing up prices and colluding on price increases.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">SAMR website</a></li> <li>– A&amp;O Beijing/Shanghai/A&amp;O Lang Yue (FTZ) Joint Operation Office (23/03/20)</li> </ul>
<b>French Polynesia</b> Polynesian Competition Authority (FPCA)	<ul style="list-style-type: none"> <li>– The FPCA has stressed that Polynesian competition law includes provisions allowing it to adapt to exceptional circumstances. To cope with the current crisis, mechanisms derogating from competition law allow Polynesian companies, medium or small, to cooperate in order to guarantee supplies or produce essential products or services (such as masks and disinfectant). Such agreements could be recognised as valid by the public authorities and the FPCA.</li> <li>– However, the FPCA will not tolerate behaviour in breach of the competition rules by players tempted to take advantage of the situation, eg in the form of price hikes.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Press release</a> (in French), FPCA (24/03/20), plus Mlex summary</li> </ul>
<b>Hong Kong SAR</b>	<ul style="list-style-type: none"> <li>– The HKCC notes that so far it has not received requests to consider the economic impact caused by Covid-19 as a mitigating factor in its cases. Its investigation and enforcement work are progressing well in</li> </ul>	<ul style="list-style-type: none"> <li>– Mlex report on emailed statement from HKCC (19/03/20)</li> </ul>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
Hong Kong Competition Commission (HKCC)	general, but it will keep an eye on the situation and the approaches adopted by other jurisdictions in response to the outbreak.	– A&O Hong Kong (23/03/20)
<b>India</b> Indian Competition Commission (CCI)	<ul style="list-style-type: none"> <li>– The CCI appears to be acting internally as normal and is continuing to work on enforcement files, albeit with reduced working hours. However, depending on developments, a future “slow-down” cannot be excluded.</li> <li>– The CCI has so far not taken specific action against enterprises in the Covid-19 context. However, in the past it has demonstrated an active interest in the healthcare sector.</li> <li>– Local counsel suggests firms or their associations could consider approaching the Central Government where they feel that measures in their sector/class should be exempted from the application of competition rules or the Central Government should issue directions on policy.</li> </ul>	– Shardul Amarchand Mangaldas (local counsel) (21/03/20)
<b>Indonesia</b> Business Competition Supervisory Commission (KPPU)	<ul style="list-style-type: none"> <li>– KPPU requests that businesses do not engage in cartels or agreements to determine excessive prices and do not hoard personal protective equipment, other health products or food – it is prepared to take strict action.</li> <li>– KPPU will not object if the government exempts Indonesian companies from opening a public tender for the import of personal protective equipment.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Press release</a> (in Indonesian), KPPU (24/03/20), plus Mlex summary</li> <li>– PaRR report on information from a senior official (25/03/20)</li> </ul>
<b>Japan</b> Japan Fair Trade Commission (JFTC)	<ul style="list-style-type: none"> <li>– The JFTC has requested industry associations to spread the word that bundling sales of high-demand, non-fungible goods may be in violation of the Anti-monopoly Act. This comes in response to media reports that face masks and other personal hygiene products are being sold bundled with other products.</li> </ul>	– <a href="#">Press release</a> (in Japanese), JFTC (28/02/20), plus Mlex summary
<b>New Caledonia</b> New Caledonia Competition Authority (ACNC)	<ul style="list-style-type: none"> <li>– The ACNC will be particularly vigilant in the detection of potential anti-competitive practices during the Covid-19 crisis, especially regarding price fixing and market sharing.</li> </ul>	– <a href="#">Press release</a> (in French), ACNC (19/03/20), plus PaRR summary

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<ul style="list-style-type: none"> <li>– It warns suppliers, distributors and retailers of all economic sectors, but particularly in the consumer goods and healthcare services sectors, to adopt responsible and legal commercial behaviour.</li> </ul>	
<b>New Zealand</b> New Zealand Commerce Commission (NZCC)	<ul style="list-style-type: none"> <li>– The NZCC announces it has no intention of taking enforcement action against businesses who are cooperating to ensure New Zealanders continue to be supplied with essential goods and services. It notes however that it will not tolerate unscrupulous businesses using Covid-19 as an excuse for non-essential collusion or anti-competitive behaviour, including sharing information on pricing or strategy where it is not necessary in the current situation. It will issue further guidance shortly.</li> <li>– This is in response to a request by the Government for the NZCC to be more flexible in the application of competition rules and take account of the exceptional circumstances created by Covid-19 when monitoring business behaviour in coming weeks.</li> </ul>	<ul style="list-style-type: none"> <li>– <a href="#">Government statement on commercial cooperation during Covid-19</a>, Government (22/03/20)</li> <li>– <a href="#">Covid-19 - Commerce Commission approach to essential goods and services business cooperation</a>, NZCC (22/03/20)</li> </ul>
<b>Singapore</b> Competition and Consumer Commission of Singapore (CCCS)	<ul style="list-style-type: none"> <li>– CCCS activities are business as usual.</li> </ul>	<ul style="list-style-type: none"> <li>– A&amp;O Singapore (23/03/20)</li> </ul>
<b>South Korea</b> Korea Fair Trade Commission (KFTC)	<ul style="list-style-type: none"> <li>– The KFTC has put down raids and interviews involving face-to-face encounters during investigations on hold. In-person interviews will be replaced by written investigation reports unless there is a case with a short limitation period.</li> </ul>	<ul style="list-style-type: none"> <li>– Mlex report (25/03/20)</li> </ul>
<b>Taiwan</b> Taiwan Fair Trade Commission (TFTC)	<ul style="list-style-type: none"> <li>– TFTC has been investigating into deliberate stocking and joint price hiking during the Covid-19 crisis.</li> </ul>	<ul style="list-style-type: none"> <li>– Yangming Law (local counsel) (23/03/20)</li> </ul>
<b>Middle East &amp; Africa</b>		

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
<b>Israel</b> Israeli Competition Authority (ICA)	<ul style="list-style-type: none"> <li>The ICA recognises that, in this time of crisis, more collaborations among competitors may fall within the framework of the Block Exemption for Collaborations than would normally be the case. But Israeli antitrust laws will continue to apply in full force to illegal collaborations and business entities abusing the current situation.</li> </ul>	<ul style="list-style-type: none"> <li>Herzog Fox &amp; Neeman (local counsel) (18/03/20)</li> </ul>
<b>Kenya</b> Competition Authority of Kenya (CAK)	<ul style="list-style-type: none"> <li>The CAK has warned manufacturers and retailers that manipulating prices or hoarding of goods during the outbreak is an infringement and liable for penalty under the country's antitrust rules.</li> <li>The CAK has ordered manufacturers and suppliers of items such as maize flour, wheat flour, edible oils, rice, sanitisers, and toilet paper to remove exclusivity clauses in light of the coronavirus pandemic.</li> </ul>	<ul style="list-style-type: none"> <li>PaRR report on emailed statement from CAK (13/03/20)</li> <li>PaRR report on emailed statement from CAK (20/03/20)</li> </ul>
<b>Malawi</b> Competition and Fair Trading Commission (CFTC)	<ul style="list-style-type: none"> <li>CFTC orders eleven pharmacies to stop excessive pricing of hand sanitisers, face masks and gloves.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">@CFTCMalawi tweet</a>, CFTC (23/03/20)</li> </ul>
<b>Namibia</b> Namibian Competition Commission (NaCC)	<ul style="list-style-type: none"> <li>The NaCC has found that some retailers of healthcare and hygiene products have artificially increased prices in the wake of the Covid-19 outbreak. It has issued a cautionary notice to all retailers to avoid artificially inflated prices.</li> <li>It has set up a dedicated team to prioritise complaints relating to essential healthcare and hygiene products.</li> <li>The NaCC also notes it is in discussion with Government to ensure that competition law enforcement does not impede necessary cooperation between business to deal with the current crisis and ensure security of supplies of essential products and services.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">@CompCo_Nam tweet</a>, NaCC (24/03/20)</li> </ul>
<b>Nigeria</b> Federal Competition and Consumer Protection Commission (FCCPC)	<ul style="list-style-type: none"> <li>FCCPC has warned suppliers, retailers and online shopping platforms from arbitrarily increasing prices of critical hygiene products.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Press release</a>, FCCPC (23/03/20)</li> </ul>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
<b>South Africa</b> South Africa Competition Commission (SACC)	<ul style="list-style-type: none"> <li>The Minister of Trade and Industry has published block exemption regulations for the healthcare sector. These exempt certain agreements or practices from the application of the South African rules on restrictive horizontal and vertical practices if they are undertaken at the request of, and in coordination with, the Department of Health. But they do not permit the cooperation on pricing unless specifically authorised by the Minister.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Covid-19 block exemption for the Healthcare Sector, 2020</a>, Government (19/03/20)</li> <li>Various local counsel</li> </ul>
<b>Zambia</b> Competition Commission of Zambia (ZCC)	<ul style="list-style-type: none"> <li>ZCC has warned businesses against excessive pricing of products such as masks, gloves and hand sanitisers.</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">@CompComZambia tweet</a>, ZCC (21/03/20)</li> </ul>

Allen & Overy means Allen & Overy LLP and/or its affiliated undertakings. Allen & Overy LLP is a limited liability partnership registered in England and Wales with registered number OC306763. Allen & Overy (Holdings) Limited is a limited company registered in England and Wales with registered number 07462870. Allen & Overy LLP and Allen & Overy (Holdings) Limited are authorised and regulated by the Solicitors Regulation Authority of England and Wales.

The term partner is used to refer to a member of Allen & Overy LLP or a director of Allen & Overy (Holdings) Limited or, in either case, an employee or consultant with equivalent standing and qualifications or an individual with equivalent status in one of Allen & Overy LLP's affiliated undertakings. A list of the members of Allen & Overy LLP and of the non-members who are designated as partners, and a list of the directors of Allen & Overy (Holdings) Limited, is open to inspection at our registered office at One Bishops Square, London E1 6AD.

© Allen & Overy LLP 2020. This document is for general guidance only and does not constitute definitive advice. | UKS1: 2000841201.2