

Covid-19 coronavirus update: Global application of antitrust rules

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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 Covid-19 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
Americas		
United States Federal Trade Commission (FTC), Department of Justice (DOJ)	<ul style="list-style-type: none"> – 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. – 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. 	<ul style="list-style-type: none"> – <i>Justice Department Cautions Business Community Against Violating Antitrust Laws in the Manufacturing, Distribution, and Sale of Public Health Products</i>, DOJ (09/03/20) – <i>Federal Trade Commission and Justice Department Announce Expedited Antitrust Procedure and Guidance for Coronavirus Public Health Efforts</i>, FTC and DOJ (24/03/20) – <i>Joint antitrust statement regarding Covid-19</i>, FTC and DOJ (24/03/20)

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	<ul style="list-style-type: none"> – The Director of the Bureau of Competition at the FTC Ian Conner has published in a blog post that it is important that antitrust enforcement "must stay the course" and that new exceptions to antitrust laws are not required to deal with the consequences of the crisis. – The DOJ and FTC issued a joint statement warning employers that they are monitoring closely employment practices which could breach antitrust laws in the context of the pandemic. The agencies have highlighted such practices as agreements to suppress or eliminate competition with respect to compensation, benefits, hours worked, and other terms of employment, as well as the hiring, soliciting, recruiting, or retention of workers. The statement also notes that the DOJ's Procurement Collusion Strike Force, an interagency partnership created to combat antitrust crimes and related schemes affecting procurement, grant, and program funding, is on high alert for collusive practices in the sale of Covid-19 related products to federal, state and local agencies. – The FTC and DOJ have listed 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. – 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 	<ul style="list-style-type: none"> – Department of Justice Issues Business Review Letter to Medical Supplies Distributors Supporting Project Airbridge Under Expedited Procedure for Covid-19 Pandemic Response, DOJ (04/04/20) – Antitrust review at the FTC: staying the course during uncertain times, FTC blog (06/04/20) – Justice Department and Federal Trade Commission Jointly Issue Statement on COVID-19 and Competition in U.S. Labor Markets, DOJ and FTC (13/04/20) – Response to the AmerisourceBergen Corporation Business Review Request Pursuant to Covid-19 Expedited Procedure, DOJ (20/04/20) – Mlex reports on comments by FTC Commissioner Slaughter (28/04/20) – Senators Hawley, Baldwin Ask FTC to Open Antitrust Investigation into Meatpackers Amid Plant Closures, Josh Hawley (29/04/20) – Stenehjem, Midwest Attorneys General urging federal investigation of meat packing industry practices, Wayne Stenehjem (05/05/20) – Meatpacking Giants Face U.S. Antitrust Inquiry Amid Shutdowns, Bloomberg press report (08/05/20) – Department of Justice Supports National Pork Producers Council's Ability to Combat Meat Shortage, DOJ (15/05/20) – Companies feeling economic pressure shouldn't make antitrust compliance cuts, DOJ official warns, Mlex (03/06/20)

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	<p>legality of their proposed conduct under antitrust laws. To date, under the expedited procedure the DOJ has approved:</p> <p>(i) AmerisourceBergen Corporation's collaborative efforts to identify global supply opportunities, ensure product quality and facilitate product distribution of medications and other healthcare supplies.</p> <p>(ii) The National Pork Producers Council (NPPC)'s proposed collaborative efforts to work with the U.S. Department of Agriculture to address hardship facing hog farmers as a result of the Covid-19 pandemic. The NPPC may euthanize hogs in cooperation with packing companies, and under USDA supervision, to humanely deal with an oversupply given processing-plant closures. The NPPC may also share general information with its members about best practices for depopulating unmarketable hogs.</p> <p>(iii) Multiple medicinal supplies distributors in their efforts to expedite and increase manufacturing, sourcing, and distribution of personal protective equipment and coronavirus-treatment-related medication. The efforts are part of an emergency response developed and led by the Federal Emergency Management Agency and the U.S. Department of Health and Human Services.</p> <p>(iv) Monoclonal antibody manufacturers sharing information about manufacturing facilities and other information that could enable them to expedite the production of Covid-19 treatments (although they will not exchange information on prices or costs of inputs).</p> <ul style="list-style-type: none"> – Speaking via videoconference at the ABA Spring Meeting, FTC Commissioner Rebecca Slaughter has said that the authority should place enforcement (eg, procurement issues and ensuring reliable supply chains) as its highest priority above longer-term projects, such as issuing new vertical merger guidelines. The Commissioner also noted that the FTC should be particularly cognizant of conduct such as wage-fixing following anecdotal reports of conduct of this type. – Multiple senators and state Attorneys General have urged the DOJ and FTC to open investigations into the meat packers in the pork and cattle industry over concerns about how the pandemic has 	<ul style="list-style-type: none"> – United States Department of Transportation Order in the Matter of National Aviation Company of India Limited, D/B/A/ Air India, DOT (22/06/20) – Department of Justice Issues Business Review Letter to Monoclonal Antibody Manufacturers to Expedite and Increase the Production of Covid-19 Mab Treatments, DOJ (23/07/20) – DOJ advisor says antitrust enforcement not relaxed during COVID-19 – CUPL webinar, PaRR (18/09/20) – Justice Department Opens Ventilator Antitrust Probe Focused on Medtronic, Wall Street Journal (30/09/20)

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	<p>concentrated the market and led to significant plant closures. Press reports subsequently announced that the DOJ has launched a probe into the sector.</p> <ul style="list-style-type: none"> – Speaking at an ABA meeting, an attorney in the DOJ’s antitrust division Megan Lewis warned firms against cutting back antitrust compliance programmes due to economic pressure caused by Covid-19. – The U.S. Department of Transportation (DoT) has served an order on India’s national carrier, Air India, under which the airline will be required to seek prior authorisation before operating any charter flights to and from the U.S. In March, India suspended all flights to and from the U.S. with Air India carrying out repatriation flights since 18 May 2020. The DoT is concerned that Air India has gone beyond genuine repatriation flights and that it is selling tickets to “any member of the general public able to enter the United States”. Delta Airlines has similarly requested permission from the Government of India to carry out similar charter flights but have not received a response – the DoT notes that this creates a “competitive disadvantage” for U.S. carriers vis-à-vis Indian carriers in contravention of the U.S.-India Air Transport Agreement. – Speaking in a personal capacity, attorney-advisor at the DOJ’s Antitrust Division Mac Conforti said that there had been no relaxation of antitrust enforcement in response to the Covid-19 pandemic and that federal immunity (which exempts federal agencies from the purview of antitrust law) does not extend to private parties acting on instruction of a federal agency. In such cases, the agency will assess the situation on a case-by-case basis looking at factors such as the statutory authority and policy of the agency and the extent to which the agency was involved in the relevant activity. – The DOJ is investigating whether an acquisition by Medtronic limited competition in ventilator manufacturing. The probe reportedly goes back to an acquisition from 2012 and is in response to complaints made about device shortages during the pandemic. 	

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<p>Brazil Administrative Council for Economic Defense (CADE)</p>	<ul style="list-style-type: none"> – On 12 June 2020, Brazil’s President Jair Bolsonaro has signed into law a provision that amends the country’s antitrust law until 30 October 2020, or the duration of the emergency situation. Under the amendment, CADE is prevented from investigating and deciding on cases resulting from (i) the sale of goods and services at below cost prices (predatory pricing), and (ii) closing or partially terminating business activities without just cause. Antitrust violations are to be assessed by CADE considering “the extraordinary circumstances resulting from the pandemic”. – CADE has used a protocol, which it has only employed on one previous occasion (during a large trucker’s strike in Brazil in 2018), to authorise a memorandum of understanding between a group of global food and beverage manufacturers. The manufacturers intend to cooperate to provide special financing plans, discounted distribution and extended payment terms to retailers, as well as launching information campaigns encouraging consumers to support small businesses. The agreement is time limited until 31 October 2020, and the group has agreed not to disclose sensitive business information, noting that all necessary information and data will be transferred via a third party. While there was no formal requirement for the parties to notify the transaction, the parties chose to inform CADE in the interests of transparency. CADE took 9 days from submission of the memorandum to approve the agreement. Subsequently, CADE issued guidelines based on the principles from the two cases, formalising the way in which it will assess such cases during the crisis and setting forth procedural rules to ensure that cases are resolved on an expedited basis. Under the guidelines, agreements must be (i) limited in scope (ie they must be specific and designed to address a clearly defined problem caused by Covid-19), (ii) limited in duration to specifically resolve the problem, (iii) limited in geographic scope and (iv) must incorporate governance provisions and transparency obligations to safeguard against anti-competitive concerns. 	<ul style="list-style-type: none"> – TozziniFreire Advogados (local counsel) – Press release (in Portuguese), CADE (18/03/20), plus PaRR summary – Brazil Senate approves change to Competition Law during pandemic, PaRR (03/04/20) – Press release (in Portuguese), CADE (16/04/20), plus Mlex summary – Press release (in Portuguese), Federal Police, plus PaRR summary (11/05/20) – PaRR report on comments by Alexandre Barreto at ASCOLA webinar (14/05/20) – Mlex report on comments by Alexandre Cordeiro at online webinar (19/05/20) – PaRR report on article by Alexandre Cardeiro co-authored with lawyer Ana Paula Guimarães (19/05/20) – Mlex report on comments by Paula Farani de Azevedo Silveira at online webinar (19/05/20) – Cooperation agreements among competitors to be analyzed by CADE Superintendence within four days, Mlex (21/05/20) – CADE finds no anticompetitive practices in cooperation agreement between competitors to address COVID-19, PaRR (28/05/20) – CADE authorizes collaboration among Ambev, BRF, Coca-Cola, Mondelez, Nestlé and Pepsico due to the new coronavirus crisis, CADE (05/06/20) – CADE president expects mergers in Brazil to pick up in 2021 – Jota webinar, PaRR (11/06/20)

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	<p>Under the procedural rules, a communication channel with the CADE General Superintendence (CADE SG) has been created to address potential questions. Through this channel, CADE SG will provide a preliminary assessment of the existence of antitrust concerns arising out of the cooperation. The parties will also have a right of petition to obtain a written, but not binding, decision from CADE SG or the CADE Tribunal about the existence of antitrust concerns. Finally, parties may file a formal consultation which will result in a binding decision from the CADE Tribunal. While this path gives parties legal certainty to implement their cooperation, the Tribunal has a deadline of 120 days to provide its analysis – which may be longer than the expected cooperation.</p> <p>According to Agency Superintendent Alexandre Cordeiro, CADE has been reviewing such agreements under the “rule of reason” rather than viewing them as <i>per se</i> antitrust violations.</p> <ul style="list-style-type: none"> – CADE has opened proceedings into whether healthcare sector companies have been increasing prices and profits in an arbitrary and abusive manner. – Federal Police in Brazil are investigating potential bid-rigging in relation to a cleaning contract in the city of Santana, Amapá state. According to a police statement, participants submitted overpriced cover bids in relation to a hospital cleaning contract and the scheme relied on the participant of a civil servant. – In an article, Superintendent Cordeiro has called for increased competition advocacy by CADE to supplement any enforcement activity. This would involve proactive behaviour by CADE to encourage private companies to behave in a pro-competitive manner despite the crisis. – Agency Councillor Paula Farani de Azevedo Silveira remarked that CADE would enforce against abusive pricing measures only under specific conditions, such as where prices “widely exceed” total average costs, there is a monopolist and significant barriers to entry and a threat to future competition. The Councillor noted that Brazilian 	<ul style="list-style-type: none"> – CADE president urges voluntary filings of emergency cooperation agreements – OAB Webinar, PaRR (11/06/20) – Brazil president signs bill curtailing competition law during pandemic, PaRR (12/06/20) plus TozziniFreire Advogados (local counsel) summary – CADE reviewing cooperation requests in pandemic under rule of reason – OAB/IIEDE webinar, PaRR (22/06/20) – CADE taking careful approach to conducting price gouging probe, chief economist says – ASCOLA webinar PaRR (26/06/20) – CADE commissioner warns cooperating competitors to take compliance seriously – Conjur webinar, PaRR (23/07/20)

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	<p>consumer protection authorities had been proactively intervening during the Covid-19 pandemic and, as such, there was less need for CADE to begin its own proceedings.</p> <ul style="list-style-type: none"> – CADE's Chief Economist Guillherm Resende has said that the authority is taking a cautious approach to investigating cases of price gouging. In CADE's view, the best way to assess the issue is to take into account several variables (including whether a firm is abusing a dominant position, whether the market has high barriers to entry, whether enforcement would curb innovation and whether the market is regulated) and not for the government to fix prices. – CADE Commissioner Paula Azevedo has warned businesses to take compliance seriously – now is the time to implement a compliance programme, or take heed of existing programmes. – On 23 July 2020, the head of CADE participated in a meeting of the BRICS interstate association, issuing a joint statement along with the competition authorities of the other BRICS countries concerning the response to the Covid-19 pandemic (see further <i>Russia</i> below). 	
<p>Canada Competition Bureau (Bureau)</p>	<ul style="list-style-type: none"> – 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". – The Bureau has published a statement recognising that the pandemic may "call for the rapid establishment of business collaborations of limited duration and scope to ensure the supply of products and services" and has stated that where firms are "acting in good faith" to implement such limited measures that it will "generally refrain" from taking enforcement action. The authority has also established a specific task force which will provide guidance and render "rapid" assessments. The Bureau reiterates that it will take a zero tolerance approach to companies abusing this flexibility. 	<ul style="list-style-type: none"> – Statement from the Commissioner of Competition regarding enforcement during the Covid-19 coronavirus situation, Bureau (20/03/20) – Competition Bureau statement on competitor collaborations during the COVID-19 pandemic, Bureau (08/04/20) – CCB official says COVID-19 merits more scrutiny of digital sector, PaRR (24/04/20) – Canada's Competition Bureau anticipating uptick in 'failing firm' defenses to merger, cartel violations, agency head says, Mlex (27/05/20) – Supporting competition on the road to economic recovery, Bureau (21/10/20)

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	<ul style="list-style-type: none"> – Competition Commissioner Matthew Boswell has that the Bureau believes there are even more reasons to scrutinise the digital economy and digital markets in Canada owing to the "dramatic and accelerated movement to digital purchasing" as a result of the pandemic. – In an interview with Mlex, Boswell reported that the Bureau is expecting to see an increase in cartel violations during the Covid-19 pandemic with companies choosing to “go down the easier path to collaborate illegally or to collude with competitors to raise prices or make everyone’s bottom line stronger” and that the authority is continuing to work with procurement officials to strengthen awareness and detection of bid rigging conduct. – In October 2020, Commissioner Boswell delivered a speech noting that the Bureau anticipates its competitor collaboration guidance will remain in place until the situation returns to something more closely resembling the pre-Covid “normal”. The Bureau will also heighten its vigilance and outreach to detect and deter illegal conduct such as bid-rigging. In that regard, the Bureau has produced virtual materials on bid rigging; reached out to all levels of government to educate them and raise awareness of bid rigging practices and has provided outreach sessions to companies involved in procurement in Canada. 	
<p>Chile National Economic Prosecutor (FNE)</p>	<ul style="list-style-type: none"> – The FNE issued a press release clarifying that antitrust law remains in force and that Chile's law did not allow for any derogations even under present circumstances but that, under the existing law, collaboration between competitors can in some circumstances be lawful in particular if it leads to efficiencies. The FNE reminded companies that it does not have the power to review or 'authorise' such measures and that it is a matter of self-assessment. 	<ul style="list-style-type: none"> – Press release, FNE (03/04/20), plus PaRR summary
<p>Colombia Colombian Superintendence of Industry and Commerce (SIC)</p>	<ul style="list-style-type: none"> – On 11 May 2020, SIC adopted resolution No. 20490, which sets out criteria for collaboration between competitors in the pandemic. It provides that agreements will be lawful if they generate efficiencies, are indispensable, benefit consumers and do not impose restrictions or limit competition. Firms must notify SIC of any such agreement 	<ul style="list-style-type: none"> – Press release (in Spanish), SIC (23/03/20), plus PaRR summary – Government statement (in Spanish), SIC (07/04/20), plus PaRR summary

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	<p>and provide specified information. On 4 June 2020, SIC clarified the resolution. The Superintendent of the SIC noted that the goal is to prevent the shortage of essential goods to consumers and ensure the survival of companies struggling during the crisis. In addition to agreements that must be notified to SIC (but do not require prior authorisation), certain restrictive agreements, which are nonetheless necessary to protect a sector of the economy, must be submitted to SIC for prior authorisation and may exceptionally be authorised.</p> <ul style="list-style-type: none"> – SIC has sent a letter to trade associations warning that competition and consumer rights will be preserved as Covid-19 spreads in the country. – A list of 26 specific products has been published by the Government, the price of which will be monitored and controlled by SIC and its statistics department to ensure vulnerable households have access to essential household and medical supplies. – SIC is investigating a construction equipment supplier in relation to price increases for masks, filtering equipment and protective goggles. SIC alleges the company increased prices too quickly over a short period of time which has led to the superintendency's suspicions of anti-competitive behaviour. – SIC has issued a statement of objections to Farmalatam Colombia for allegedly having set unfair prices for the supply of face masks, citing the fact that the company was earning a gross margin of between 500 to 1,000% and that it had only begun listing the products on its online website four days after the first confirmed cases in Colombia. 	<ul style="list-style-type: none"> – Press release (in Spanish), SIC (05/05/20), plus Mlex summary – Press release (in Spanish), SIC (02/06/20), plus PaRR summary – Colombian watchdog clarifies rules for competitor collaboration during Covid-19 crisis, Mlex (04/06/20)
<p>Dominican Republic National Commission for the Defence of Competition (ProCompetencia)</p>	<ul style="list-style-type: none"> – 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. – 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. 	<ul style="list-style-type: none"> – Press release (in Spanish), ProCompetencia (23/03/20), plus PaRR summary

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<p>Ecuador Ecuador Competition Authority (SCPM)</p>	<ul style="list-style-type: none"> – SCPM urges manufacturers, suppliers and retailers of respiratory devices and antiseptic products not to take advantage of the pandemic. 	<ul style="list-style-type: none"> – Statement (in Spanish), SCPM (03/20), plus PaRR summary
<p>El Salvador Competition Superintendency (SC)</p>	<ul style="list-style-type: none"> – SC has published a statement calling on businesses to ensure compliance with the country's antitrust laws during the Covid-19 pandemic. SC stressed that there were no exceptions under the law for anti-competitive agreements even in such circumstances and called for retailers to ensure they set the price of goods individually (including those for which the Government has imposed price caps). The authority noted that it was open to approaches regarding whether or not practices would be subject to enforcement action. 	<ul style="list-style-type: none"> – Statement (in Spanish), SC (23/04/20)
<p>Mexico Federal Economic Competition Commission (COFECE)</p>	<ul style="list-style-type: none"> – In an official statement, COFECE has warned companies against profiteering during the Covid-19 crisis and has urged companies not to seek to raise or fix prices based on recommendations from trade associations and business groupings and that such decisions should be made independently. It also stressed it would investigate sudden price increases and take enforcement action where necessary. In the guidelines, COFECE also noted that cooperative agreements between companies which are necessary in the context of the pandemic to avoid shortage of supply or avoid scarcity and hoarding would not be prosecuted provided they are not designed to exclude competitors. – President of COFECE Alejandra Palacios has stated that the authority will be more flexible in its application of antitrust laws in the review of temporary, time-limited agreements provided that these are notified to it. In subsequent remarks, in October 2020, Palacios noted that despite this stance being in force since March the authority was yet to review any collaboration agreements between competitors. – COFECE has sent warnings to the National Chamber of the Sugar and Alcohol Industry and various members. The authority is concerned about increases in the price of pure alcohol, its derivatives and various inputs. COFECE noted that pure alcohol is 	<ul style="list-style-type: none"> – Statement (in Spanish), COFECE (27/03/20), plus PaRR summary – Statement (in Spanish), COFECE (30/03/20), plus Mlex summary – Statement (in Spanish), COFECE (31/03/20), plus Mlex summary – Mlex report on a livestream attended by Alejandra Palacios (15/04/20) – Mexico's COFECE hasn't yet reviewed any Covid-19 collaboration agreements, Palacios says, PaRR (14/10/20)

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	<p>indispensable in a number of products required to tackle Covid-19 and, for that reason, the authority had been monitoring prices.</p> <ul style="list-style-type: none"> – COFECE has warned the National Association of Real Estate Developers (ADI Mexico) that members should not coordinate on maximum rental discounts to tenants or exchange confidentially sensitive information. ADI Mexico launched the initiative in response to the Covid-19 crisis but COFECE has encouraged the association to ensure that the implementation does not contravene antitrust law. 	
<p>Peru National Institute for the Defence of Competition and the Protection of Intellectual Property (Indecopi)</p>	<ul style="list-style-type: none"> – Indecopi has issued a press release to say that agreements (such as the sharing of distribution channels or infrastructure) between competitors relating to the supply of essential goods, including pharmaceutical products and food, are permitted within the framework of Peru's existing antitrust laws. – According to a statement, Indecopi has issued requests for information to participants in the fuel market in relation to oil prices, noting a fall in international oil prices due to factors including the Covid-19 pandemic. – According to a press report, Indecopi has launched an investigation seeking to verify the transparency of information provided by pharmacies and drugstores on stock levels and the price of medicines used to treat Covid-19. 	<ul style="list-style-type: none"> – Press release (in Spanish), Indecopi (22/04/20), plus Mlex summary – Press release (in Spanish), Indecopi (28/04/20), plus PaRR summary – Press report (in Spanish), El Comercio (25/08/2020)
Europe		
<p>European Union European Commission (EC)</p>	<ul style="list-style-type: none"> – The EC has set up a dedicated webpage with guidance for companies on the application of antitrust rules during the pandemic, including a specific mailbox (COMP-COVID-ANTITRUST@ec.europa.eu) which companies can use to seek informal guidance on specific initiatives. It notes (referring to the ECN joint statement – see below) that there may be a need for companies to cooperate with each other in order to overcome the crisis, eg to ensure supply and fair distribution of essential scarce products and services. 	<ul style="list-style-type: none"> – Press release, EC (30/03/20) – Mlex report on Vestager's comments at the online event "<i>Friends of Europe, Shaping Europe's digital future: an industry, markets and digital nexus?</i>" (27/03/20) – Framework Communication addressing the antitrust issues related to cooperation between competitors in Covid-19 related urgency situations, EC (08/04/20)

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	<ul style="list-style-type: none"> – Competition Commissioner Margrethe Vestager has said in an online event that the EC will remain "even more vigilant than in normal times if there is a risk of virus-profiteering" and that the Covid-19 outbreak cannot be considered a "shield" against antitrust investigations. – The EC has published a Temporary Framework Communication to provide antitrust guidance to companies cooperating in response to urgent situations related to Covid-19. The Temporary Framework is meant to provide antitrust guidance to companies willing to temporarily cooperate and coordinate their activities in order to increase production in the most effective way and optimise supply of, in particular, urgently needed hospital medicines. The EC has stressed, that, in most instances the oral guidance it has provided to companies will be sufficient to alleviate concerns but that in exceptional circumstances the EC is willing to provide written comfort. As well as medicines and medical equipment (where the EC considers measures to adapt production, stock management and distribution with exchanges of commercially sensitive information may not be problematic or an enforcement priority, especially if encouraged and/or coordinated by a public authority), it could be relevant to other essential goods and services outside the health sector. The EC also says that if a public authority issues an "imperative request" in response to an emergency then this will avoid antitrust prosecution. The Temporary Framework applies from 8 April 2020 until further notice. – On 8 April 2020, the EC issued the first formal comfort letter under its Temporary Framework to Medicines for Europe, formerly the European Generics Medicines Association, addressing a specific voluntary cooperation project among pharmaceutical producers – both members and non-members of the association – that targets the risk of shortage of critical hospital medicines for the treatment of coronavirus patients. – According to remarks made by Director-General Olivier Guersent, the EC has received a number of requests from participants in the 	<ul style="list-style-type: none"> – Press release, EC (08/04/20) – EU antitrust charges, information requests delayed due to Covid-19 crisis, Mlex (17/04/20) – PaRR report on remarks by Director -General Olivier Guersent at the ABA Spring Meeting (28/04/20) – Coronavirus: Commission adopts package of measures to further support the agri-food sector, EC (04/05/20) – Coronavirus: Commission adopts new exceptional support measures for the wine sector, EC (07/07/20) – Speech at the Fordham Competition Conference, EC (08/10/20)

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	<p>agri-food industry for comfort letters to deal with a drop in demand relating to the pandemic.</p> <ul style="list-style-type: none"> <li data-bbox="539 352 1435 571">– In a speech at a Fordham conference, Commissioner Vestager has said that the EC has given guidance in the form of informal feedback to companies on what kinds of cooperation are unproblematic and identifying necessary safeguards for cooperation to bring benefits without the risks of unwanted effects. The Commissioner also noted the EC has had “useful exchanges with representatives in the automotive sector”. <li data-bbox="539 587 1435 906">– The EC has published an exceptional derogation (under Article 222 of the Common Markets Organisation Regulation (CMOR)) from EU antitrust rules for the milk, flowers and potatoes sectors. Under the derogation, market participants are allowed to collectively adopt stabilising measures (eg the collective planning of milk production, and the withdrawal of products from the market in the flower and potatoes sectors). Storage by private operators is also allowed. Such agreements and decisions will only be valid for a maximum period of six months. Consumer price movements will be monitored closely to avoid adverse effects. <li data-bbox="539 922 1435 1114">– The Commission published an additional package of exceptional measures (again under Article 222 CMOR) to support the wine sector. The measures include a temporary derogation from EU antitrust rules to allow operators to self-organise and implement market measures to stabilise the sector (eg joint promotion activities) for a maximum period of six months. <li data-bbox="539 1129 1435 1374">– The EC's head of antitrust policy Maria Jaspers has said that the EC is taking steps to delay taking important investigative steps (such as issuing requests for information, issuing statements of objections or adopting formal decisions) in certain ongoing cases recognising the burden on companies during the pandemic. Speaking at the same event, head of pharmaceutical enforcement Rainer Becker announced that two ongoing probes in the sector were continuing but that the EC was mindful of the pressures on the sector. 	

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<p>The European Competition Network (ECN) has issued a joint statement on behalf of the EC, EFTA Surveillance Authority, and antitrust authorities of EU Member States and of EEA Member States (ie Iceland, Liechtenstein and Norway). When considering any of these authorities, please refer to this statement as well as any additional statement by the individual authority, as set out in this section. Note that the UK is no longer part of the ECN.</p>	<ul style="list-style-type: none"> – 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. – 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. – If companies have doubts about the compatibility of such cooperation initiatives with EU/EEA antitrust law, they can reach out to the EC, the EFTA Surveillance Authority or the national antitrust authority concerned for informal guidance. – 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. 	<ul style="list-style-type: none"> – Joint statement by the European Competition Network (ECN) on application of competition law during the Corona crisis, ECN (23/03/20)
<p>Albania Albanian Competition Authority (ACA)</p>	<ul style="list-style-type: none"> – The ACA has opened a preliminary investigation into the markets for the retail and wholesale supply of pre-medical products following complaints and reports of price increases during the Covid-19 pandemic. 	<ul style="list-style-type: none"> – Decision on opening a preliminary investigation in the market of retail and wholesale of pre-medical products, ACA (18/03/20)
<p>Belgium Belgian Competition Authority (BCA)</p>	<ul style="list-style-type: none"> – The BCA rejected a complaint by a shareholder of Waasland-Beveren, a Belgian football club, against the club's relegation from the first tier after the season was ended prematurely due to Covid-19. The BCA found that the measure was not unreasonable and not a <i>prima facie</i> infringement of antitrust law and that reinstating the club to the first division would have been a disproportionate remedy. This comes after the BCA had previously issued preliminary interim relief in favour of the club. The BCA has issued a ban on the football 	<ul style="list-style-type: none"> – Belgian agency investigator preliminarily finds in favour of football club, PaRR (08/06/2020) – Top-flight Belgian football club loses antitrust relegation fight after Covid-19 ended season, Mlex (02/07/20)

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	league from threatening financial penalties against clubs seeking legal remedies against its decisions.	
Bulgaria Bulgarian Commission for Protection of Competition (BCPC)	<ul style="list-style-type: none"> – BCPC is investigating eleven fuel retailers for suspected collusion in maintaining the price of fuel at artificially high prices despite a fall in oil prices globally during the pandemic. The authority raided the offices of the Bulgarian Petroleum and Gas Association after Bulgaria's Supreme Administrative Prosecutor's Office brought the case to BCPC's attention. – BCPC is investigating private laboratories over the discontinuation of an offer for Covid-19 tests – the discontinuation prevents customers wishing to travel to countries requiring the proof of a negative test from taking advantage of a group purchasing discount. 	<ul style="list-style-type: none"> – Bulgaria raids petrol association in coronavirus price-fixing probe, GCR (28/05/20) – Bulgarian laboratories investigated by competition watchdog over Covid-19 testing, Mlex (10/08/20)
Czech Republic Office for Protection of Competition (CCA)	<ul style="list-style-type: none"> – The CCA is continuously monitoring all markets, including those for pharma products and medical equipment. – The CCA has issued guidelines for companies considering cooperation in response to the Covid-19 pandemic and said that it is open to receiving applications provided that the cooperation is strictly "necessary". The CCA has stressed that it will not assess merely hypothetical situations but needs concrete details to reach its conclusion. – The CCA has published details on how firms can seek exemption for cooperation and contact among competitors. Firms can request an assessment of their intended cooperation from the agency, which will review the proposals and may approve such agreements on a temporary basis if justified by the current situation. The authority warns that its position regarding abuse of dominance is unchanged and that it may treat the fact that any such conduct was carried out during the pandemic as an aggravating factor. 	<ul style="list-style-type: none"> – Czech agency suspends dawn raids; aims to maintain merger, antitrust timelines, PaRR (19/03/20) – Press release (in Czech), CCA (09/04/20), plus Mlex summary – Press release (in Czech), CCA (22/10/20), plus PaRR summary
Denmark Danish Competition and Consumer Authority (DCCA)	<ul style="list-style-type: none"> – 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. 	<ul style="list-style-type: none"> – Statement (in Danish), DCCA (23/03/20), plus Mlex summary

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<p>Finland Finnish Competition and Consumer Authority (FCCA)</p>	<ul style="list-style-type: none"> – 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. – 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 exclude competitors from the market or to charge manifestly unfair prices. 	<ul style="list-style-type: none"> – <i>Exceptional circumstances caused by the coronavirus to affect the application of the Finnish Competition Act</i>, FCCA (23/03/20)
<p>France French Competition Authority (FCA)</p>	<ul style="list-style-type: none"> – 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. – The FCA closed an investigation into a supplier of healthcare and respiratory systems after it agreed to end exclusive imports of respiratory assistance equipment in French Guiana and the French West Indies and let importers order equipment directly from the parent or any other authorised distributor (even after the crisis). – The FCA confirmed that the terms of a proposed initiative by a professional association representing opticians (Rassemblement des Opticiens de France) whereby it would aid members whose business has been brought to a standstill by the Covid-19 health emergency do not appear to infringe antitrust law. The approach was outside the framework published by the EC (see above) but the authority confirms that it is prepared to respond to requests for clarification during the emergency. The press release also notes that the FCA has set up a Covid-19 emergency monitoring network, which is particularly concerned with providing informal and pragmatic responses to requests made by companies seeking to ensure their proposed measures are compliant. 	<ul style="list-style-type: none"> – <i>Coronavirus: L'Autorité de la concurrence surveille les éventuels prix abusifs</i>, Reuters (17/03/20) – <i>Adaptation des délais et procédures de l'Autorité de la concurrence pendant la période d'urgence sanitaire</i>, FCA (27/03/20), plus Mlex summary – <i>Matériel d'assistance respiratoire en Guyane et aux Antilles françaises : clôture de l'enquête sur les importations exclusives</i>, FCA (06/04/20) – <i>L'Autorité éclaire une association professionnelle sur ses possibilités d'action concernant les loyers de ses adhérents dans le cadre de la pandémie actuelle de COVID-19</i>, FCA (22/04/20)

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Germany Federal Cartel Office (FCO)	<ul style="list-style-type: none"> – The FCO is open to a dialogue with companies as well as policy makers to let firms cooperate and exchange information. – The Government is in contact with the FCO over the possibility of allowing cooperation in the grocery retail sector. – FCO Chief Andreas Mundt has indicated that the agency has received 20 requests for cooperation relating to the Covid-19 pandemic. In his remarks at an online webinar, Mundt stated that the FCO regularly deals with such requests during normal times and that, where it realises efficiencies, cooperation can be permitted. He also noted that the FCO was not currently planning to issue guidelines on cooperation but that the authority might revise its position in due course depending on how the situation develops. – The FCO’s annual report reiterates that the FCO will remain firm on prosecuting cartels, because “even in times of economic difficulties there is no justification for illegal agreements”. However, it notes that the FCO is always open to discussion with companies wishing to cooperate because of special circumstances such as the current crisis: “In the past few months we have been able to provide support and advice to many companies, e.g. enabling joint reaction to bottlenecks in supply”. – The FCO has supported the German Association of the Automotive Industry (VDA) in developing crisis-management measures containing framework provisions for restarting automotive production and a model for restructuring suppliers. The proposed “Corona restructuring process” envisages a speedy restructuring of companies undergoing financial difficulties due to the Covid-19 pandemic and involves the establishment of stakeholder groups to share and exchange information between owners, employers, customers, creditors etc. The FCO has provided some accompanying guidance to ensure compliance with antitrust law including eg, that (i) relevant suppliers remain free to determine when and how they restart production; (ii) the VDA’s best practice guide will not contain any company-specific information; (iii) the 	<ul style="list-style-type: none"> – PaRR report on discussions with FCO President and a spokesperson for the German Federal Ministry for Economic Affairs (20/03/20) – PaRR report on statements by Andreas Mundt at a WuW webinar (29/04/20) – <i>Crisis management measures in the automotive industry - Bundeskartellamt supports the German Association of the Automotive Industry (VDA) in developing framework conditions under competition law aspects</i>, FCO (09/06/2020) – <i>Bundeskartellamt - 2019/2020 Annual Report</i>, FCO (02/09/20) – German court orders football body to readopt DFB cup nomination, PaRR (02/10/20)

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	<p>restructuring process is limited in time; (iv) the scope of information exchange is limited to that which is indispensable for the restructuring process and that it is exchanged in aggregated form and subject to specific confidentiality rules; and (v) that non-participating stakeholders should not be discriminated against.</p> <ul style="list-style-type: none"> - A German court has granted an injunction against the football associations, Bayerische Fußball-Verband (BFV) and Deutschen Fußball-Bund (DFB), ordering them to revoke and readopt their decision to annul all results from the regional season and nominate FC Schweinfurt 05 instead to play in the DFB-Pokal competition in September instead of Türkgücü (which had applied for the injunction). The court found that the decision to change the rules due to the Covid-19-related suspension of the season in May was not justified. 	
<p>Greece Hellenic Competition Commission (HCC)</p>	<ul style="list-style-type: none"> - The HCC has set up a Covid-19 Competition Taskforce responsible for providing businesses and individuals with information about the application of antitrust rules and providing updates in relation to investigations carried out by the HCC in crucial business sectors. The Taskforce will also collate questions raised by different institutions and businesses concerning the initiatives they intend to take and their compatibility with antitrust law and provide relevant responses. - The HCC has issued a statement on the application of antitrust 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. - In March, the HCC sent requests for information to 4,056 companies active in the production, import and marketing of healthcare products over reports/complaints of price increases and output restrictions. On 15 May 2020, the HCC published an update indicating that it had 	<ul style="list-style-type: none"> - <i>Application of competition rules</i>, HCC (16/03/20) - <i>Investigation into healthcare materials</i>, HCC (21/03/20) - <i>“Covid-19 Task Force” to fight anticompetitive practices</i>, HCC (31/03/20) - <i>Press release</i> (in Greek), HCC (15/04/20), plus PaRR summary - <i>Dawn raids in the food sector</i>, HCC (22/04/20) - <i>Hellenic Competition Commission Dawn Raids in the Greek Press Distribution Market</i>, HCC (12/05/20) - <i>HCC initiatives during the coronavirus health crisis</i>, HCC (15/05/20) - <i>Press release</i> (in Greek), HCC (16/07/20), plus PaRR summary

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	<p>received responses from almost 3,000 companies and that a team of economists is examining the data for evidence of anti-competitive conduct and that it has launched investigations into companies which did not respond to the request, highlighting its powers to sanction non-compliant companies.</p> <ul style="list-style-type: none"> – The HCC has carried out a number of dawn raids: <ul style="list-style-type: none"> (i) In the food sector following press reports regarding significant price increases of specific citrus products and/or restrictions of their distribution in Greece. (ii) At the premises of companies operating in the press distribution market. The HCC notes it began its investigation in February 2019 but intends to complete it by September 2020 as a priority taking into account concerns over the viability of companies in the press industry that have been intensified as a result of the Covid-19 pandemic. – The HCC has found that prices charged by retailers for milk and flour have remained stable during the Covid-19 pandemic. The HCC had sent questionnaires to retailers in April asking for sales data for February to April due to concerns over potential shortages in Greece. – On 11 September, the HCC published the preliminary results of its investigation into a variety of markets for the supply of healthcare materials used to combat Covid-19. The HCC collected and analysed public tender data and found that over the period surveyed, for most of the product categories investigated, both the median price as well as the degree of price fluctuation increased. The HCC noted that it will further investigate any potential anti-competitive practices by imposing serious fines for any breaches of antitrust law and that it will continue to intervene to protect a competitive market structure, consumer interests and economic growth. 	<ul style="list-style-type: none"> – The interim results of HCC's investigations on health and hospital equipment during Covid-19 pandemic, HCC (11/09/20)
<p>Hungary Hungarian Competition Authority (GVH)</p>	<ul style="list-style-type: none"> – The GVH has joined and signalled support for various EU and international initiatives: 	<ul style="list-style-type: none"> – A&O Budapest – Notice on procedure (in Hungarian), GVH

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	<ul style="list-style-type: none"> – The GVH published a Hungarian version of the statement of the ECN issued on the application of antitrust law during the Corona crisis (23/03/20). – The GVH published a Hungarian version of the statement of the International Competition Network's Steering Group Statement: Competition during and after the COVID-19 Pandemic (April 2020). – The GVH also published the EU Commission's Temporary Framework for assessing antitrust issues related to business cooperation in response to situations of urgency stemming from the current COVID-19 outbreak (08/04/2020). 	<ul style="list-style-type: none"> – Notice on the ECN statement (in Hungarian), GVH (23/03/20) – Notice on the ICN statement (in Hungarian), GVH (April 2020) – Notice on the EU Commission Temporary Framework (in Hungarian), GVH (08/04/20)
<p>Iceland Icelandic Competition Authority (ICA)</p>	<ul style="list-style-type: none"> – The ICA has granted a number of temporary exemptions from the anti-collusion rules, including: <ul style="list-style-type: none"> – Various forms of cooperation in the travel and tourism sectors, including between travel agents and between travel services. – Cooperation between importers and distributors of pharmaceuticals, aimed at securing necessary access to important pharmaceuticals. – Cooperation between financial undertakings within the Icelandic Financial Services Association in order to prepare uniform measures to address liquidity problems and financial distress. – Airport shuttle operators Kynnisferðir and Airport Direct to cooperate on a scheduled route between Keflavik Airport and the capital. The exemption is intended to enable the companies to respond to the unprecedented situation caused by the pandemic caused by Covid-19. – Lenders to enable cooperation relating to the temporary suspension of payments on loans owed by individuals who experience temporary payment problems as a result of Covid-19. The exemption is subject to conditions designed to further protect the interests of individuals who have entered payment difficulties. 	<ul style="list-style-type: none"> – Press release (in Icelandic), ICA (04/03/20), plus Global Competition Review summary – Covid-19: Application of competition rules and competition enforcement in crisis, ICA (23/03/20) – ICA Covid-19 information centre – Exemption granted due to the impact of COVID-19 on companies operating scheduled bus routes to and from Keflavik Airport, ICA (03/06/20) – Exemption for cooperation, due to the impact of COVID-19, between lenders relating to temporary suspension of payments on loans owed by individuals, ICA (10/06/20)

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	<ul style="list-style-type: none"> – Applications for exemptions concerning Covid-19 will be processed by the ICA in less than 48 hours from receipt. – The ICA invites consumers, undertakings and the public sector to report to it all indications on unreasonable increases in prices. – The ICA has opened a dedicated hotline and established an information centre on its website for queries about how the agency is responding to Covid-19. 	
Ireland Competition and Consumer Protection Commission (CCPC)	<ul style="list-style-type: none"> – CCPC has issued a warning to businesses that, despite economic challenges, they must act independently in their commercial decisions, particularly when setting prices and charges. The warning follows engagement with trade associations who had made public statements about new potential charges and price increases that their members may apply. 	<ul style="list-style-type: none"> – <i>CCPC warns businesses must act independently when setting prices during reopening phase</i>, CCPC (01/07/20)
Italy Italian Antitrust Authority (IAA)	<ul style="list-style-type: none"> – On 24 April 2020, the IAA published a notice regarding the compatibility of cooperation agreements relating to Covid-19 with Italy's antitrust laws. It states that it does not intend to intervene in necessary, temporary and proportionate measures taken to avoid shortage of supplies. The IAA refers to possible forms of cooperation between undertakings aimed at encouraging the production and distribution of goods and essential services that may be in short supply during the crisis. In light of the situation, the IAA realises that companies may need reassurances to facilitate their self-assessment of such initiatives. It is prepared to offer necessary guidance to undertakings or trade associations and has set up a dedicated mailbox (accordi-cooperazione-COVID@agcm.it) for that purpose. With a view to providing a higher degree of legal certainty, the IAA, through the Directorate-General for Competition, may (exceptionally and at its sole discretion) issue formal, written comfort letters. Such comfort letters would relate exclusively to the application of Italy's national antitrust law (Law No 287/90). – The IAA has subsequently applied its framework (see above) in approving the following agreements: 	<ul style="list-style-type: none"> – <i>Coronavirus, the Authority intervenes in the sale of sanitizing products and masks</i>, IAA (27/02/20) – Art. 37, Law Decree No. 23/2020 and A&O Milan – <i>Notice</i> (in Italian), IAA (10/04/20) – <i>Notice</i> (in Italian), IAA (24/04/20) and A&O Milan – <i>Notice</i> (in Italian), IAA (01/06/20)

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	<p>(i) An agreement between the two main associations of pharmaceutical distributors in Italy (ADF and Federfarma) and all associations of pharmacists owned by pharmacists registered with the Covid-19 Extraordinary Commissioner for Emergency. The agreement consists of a joint procurement scheme for surgical masks and the subsequent pro-quota distribution of the same among distributors at a unit price negotiated with suppliers. The agreement is to last until 30 June 2020.</p> <p>(ii) An agreement put forward by ASSOFIN (an association of banks and credit organisations) to impose a common-sense moratorium on payback obligations in relation to consumer credit. The programme was supported by the Bank of Italy to ensure protection to consumers and businesses which have not received formal state support. Adherence to the scheme is voluntary for ASSOFIN members and non-associated institutions may also join. The agreement is to last until 30 June 2020. The IAA warned ASSOFIN that it would need to keep track of any information exchanged between competitors which was objectively necessary and proportionate to ensure that the moratorium did not lead to the sharing of competitively sensitive information.</p> <p>In each of the above cases, the IAA consulted with the European Commission and considered that in light of the time-limited nature of the agreements and the exceptional circumstances it would not launch an investigation into the agreements.</p> <ul style="list-style-type: none"> – The IAA has sent a request for information to online platform sellers asking about the pricing of hand sanitiser and protective medical equipment in response to numerous complaints lodged by customers and trade associations. 	
<p>Latvia Competition Council of the Republic of Latvia (LaCC)</p>	<ul style="list-style-type: none"> – The LaCC has warned businesses against using the current situation to apply excessive prices or to commit antitrust infringements, eg agreeing prices between businesses, or between suppliers and traders. 	<ul style="list-style-type: none"> – <i>Authorities for consumer rights and competition in Latvia call entrepreneurs to act in good faith during the emergency situation, LaCC (18/03/20)</i>

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Lithuania Lithuanian Competition Council (LiCC)	<ul style="list-style-type: none"> – 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. – The LiCC has warned the Dental Chamber and its members against coordination of prices during the pandemic. The warning is in response to an announcement by the Dental Chamber that dentists may charge consumers for the cost of buying protective equipment. – The LiCC has encouraged food and beverage suppliers to report any pressure they are facing from large food retailers. The LiCC notes the risk that retailers may be abusing their bargaining power vis-à-vis such suppliers in the context of the Covid-19 pandemic. 	<ul style="list-style-type: none"> – Regulating prices will undermine economy, Lithuanian watchdog warns, Mlex (25/03/20) – Press release (in Lithuanian), LiCC (27/04/20), plus PaRR summary – Press release (in Lithuanian), LiCC (28/04/20), plus Mlex summary
Luxembourg Luxembourg Competition Council (LuCC)	<ul style="list-style-type: none"> – The LuCC has said that it will not take enforcement action against companies coordinating as part of national and local schemes to ensure the supply of essential supplies to customers so long as such temporary measures are proportionate and reasonable to meet the objective of security of supply, are in the public interest, contribute to the well-being of consumers, respond to critical requirements imposed by the Covid-19 pandemic and last for no longer than is necessary. Companies should assess whether measures meet these criteria themselves but may approach the LuCC for guidance. The LuCC has warned that this does not give companies carte blanche to coordinate outside of those parameters, in particular companies should not exchange confidential future pricing or strategic information, exclude smaller rivals from cooperation and measures should not be designed to achieve a commercial benefit. It has also noted that the crisis should not be used to inflate, for example, the price of face masks or hand sanitiser. The LuCC has also stressed that its guidance does not bind the EC nor does it offer protection against private litigation. – The LuCC announced that despite monitoring the prices and competitive conditions for the supply of facemasks and disinfectant 	<ul style="list-style-type: none"> – Document d'orientation à destination des entreprises Impact du Covid-19 sur les actions du Conseil de la concurrence, LuCC (01/04/20) – Marché des masques de protection et de gels hydro-alcooliques, LuCC (16/07/20)

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	during the pandemic, it found no indication of anti-competitive conduct.	
Moldova Competition Council	<ul style="list-style-type: none"> - The Competition Council has warned companies against colluding to increase prices or abusing their dominant position. - The Competition Council has launched a pro-leniency campaign encouraging companies to come forward with evidence of any anti-competitive cartel agreements amidst the coronavirus pandemic. 	<ul style="list-style-type: none"> - Press release (in Moldovan), Competition Council (23/03/20), plus PaRR summary - Press release (in Moldovan), Competition Council (09/06/20), plus PaRR summary
Montenegro Montenegrin Competition Agency (MCA)	<ul style="list-style-type: none"> - Montenegro has introduced new rules allowing for certain types of cooperation between firms in response to the pandemic. Under the new rules exchanges of commercially sensitive information and coordination will be allowed if they relate to measures for adjustment of production, supply management and distribution as a response to the pandemic. Such exchanges are permitted if the cooperation is (i) required for an actual increase in production to resolve shortages in the supply of products or services, (ii) temporary, and (iii) undertaken in a manner necessary for resolving or avoiding shortages of supply. The new rules have been modelled on the EC's temporary framework (see above) however parties are not relieved of their obligation under Montenegrin law of their obligation to submit a formal request for individual exemption of a restrictive agreement. The MCA has issued complementary guidelines indicating how it will apply the new rules and that it will take into account changed market conditions as a result of the Covid-19 pandemic. 	<ul style="list-style-type: none"> - Karanovic & Partners (local counsel), June 2020
Netherlands Authority for Consumers and Markets (ACM)	<ul style="list-style-type: none"> - The ACM has issued a statement on its oversight during the Covid-19 crisis, remarking that it is "is closely monitoring economic developments, and is ready to answer any questions about collaborations that companies wish to launch in order to combat the crisis" and that several companies have already been in contact. - 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 	<ul style="list-style-type: none"> - PaRR report on emailed statement from ACM head (18/03/20) - ACM's oversight during the Coronavirus crisis, ACM (18/03/20) - Health insurers are allowed to give health care providers financial support collectively during Coronavirus crisis, ACM (21/04/20) - Mlex report on remarks by Martijn Snoep at online webinar (18/05/20)

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	<p>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. ACM Chairman Martijn Snoep has expanded on this, explaining that agreements between competitors during the Covid-19 pandemic must be strictly necessary (ie that there is no alternative way of achieving the same means), non-discriminatory vis-à-vis entrants or other market companies and transparent (ie made public). Snoep also noted that there should be a set date for the cooperation to end and that the ACM would follow up to understand if it had ended.</p> <ul style="list-style-type: none"> – So far, the ACM has given the green light to cooperation between: <ul style="list-style-type: none"> (i) Health insurers, to provide financial support to care providers not directly involved with Covid-19 patients, to ensure care is maintained during and after the crisis. (ii) Hospitals, hospital pharmacies, and pharmaceutical wholesalers which formed the National Coordination Center for Prescription Drugs (LCG). After the LCG asked ACM to review the proposals for anti-competitive risk, the authority confirmed it does not expect the agreement to pose any risk to competition, noting that it was temporary and necessary to prevent shortages of pharmaceutical products. It also noted that measures had been put in place to avoid anti-competitive information exchange between competing wholesalers. – Chairman Snoep also reported that the ACM had received approaches from companies in the financial, grocery, healthcare and pharmaceutical sectors but that approaches have gradually decreased over time. 	<ul style="list-style-type: none"> – ACM: room for collaboration involving the distribution of essential drugs for COVID-19 patients, ACM (26/05/20)
<p>Norway Norwegian Competition Authority (NCA)</p>	<ul style="list-style-type: none"> – The Government has granted the transport industry a three-month exemption from antitrust rules to allow them to coordinate to ensure they maintain critical services for the population. Any agreements and practices falling within 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. The exemption was originally 	<ul style="list-style-type: none"> – Press release (in Norwegian), Norwegian Government (18/03/20), plus PaRR summary – Will prevent unreasonable or excessive price hikes, NCA (30/03/20)

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	<p>to last from March to June but was extended for a further three months for the aviation sector. The Government has stated that it believes there may be a need for a further exemption for the aviation sector and is in the process of consulting on an extension until the end of 2020.</p> <ul style="list-style-type: none"> – The NCA has warned that, while it is "reluctant" to do so, it may be forced to apply the Price Policy Act which prohibits unreasonable prices and business terms, and allows the NCA to regulate prices of important goods and services. The Director General Lars Sørgard has said that "[d]isproportionately large price increases for individual products will not be accepted", citing the example of face masks which are being offered for sale at a significantly higher price than usual. – The NCA has closed an inquiry into pharmacies following significant price increases in face masks during the Covid-19 pandemic, concluding that the higher prices were primarily due to higher purchasing prices rather than anti-competitive conduct. The NCA notes that, given increased imports, prices have subsequently fallen and that it will continue to monitor developments in the future. – The NCA is investigating an industry association following indications of possible exchanges of competitively sensitive information during the Covid-19 pandemic. 	<ul style="list-style-type: none"> – Press release (in Norwegian), Norwegian Government (04/09/20), plus PaRR summary – Press release (in Norwegian), NCA (29/10/20), plus PaRR summary – Investigates industry association, NCA (30/10/20)
<p>Poland Polish Competition Authority (PCA)</p>	<ul style="list-style-type: none"> – 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. – 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 and in physical stores. – The PCA is investigating whether major food producers and retail chains are abusing their negotiating advantage vis-à-vis smaller suppliers during the pandemic. Suppliers in the agri-food sector are invited to report any concerns to the PCA. 	<ul style="list-style-type: none"> – PCA's proceedings on wholesalers' unfair conduct towards hospitals, PCA (04/03/20) – High prices - actions taken by the Office for Competition and Consumer Protection, PCA (23/03/20) – Press release (in Polish), PCA (21/04/20), plus PaRR summary – Oxygen supplies to Polish hospitals come under antitrust scrutiny, Mlex (12/11/20)

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<ul style="list-style-type: none"> – The PCA is investigating suspected illegal agreements or potential abuse of market power surrounding the supply of oxygen to hospitals. In a statement, head of the PCA Tomasz Chróstny noted that the PCA was willing to use all available tools to prevent companies taking advantage of the crisis to infringe competition laws. 	
<p>Portugal Portuguese Competition Authority (AdC)</p>	<ul style="list-style-type: none"> – 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. – The AdC has issued guidance to three business associations in the pharmaceutical and financial sectors, in the context of the Covid-19 pandemic, reaffirming the need to apply antitrust rules and clarifying that the authority is willing to offer informal guidance where needed. The AdC also reiterated that it would not hesitate to take enforcement action against companies exploiting the pandemic. – The AdC has ordered the Portuguese Professional Football League (LPFP) to immediately suspend a no-poach agreement (under which clubs in the first and second division would not hire players whose employment had been unilaterally terminated due to Covid-19) warning that exceptional measures to deal with the Covid-19 pandemic should not be subject to consultation between competitors and that this risked damaging free and fair competition. The AdC has indicated it will impose a daily penalty of EUR6,000 on LPFP for every day that it does not comply with the order. – AdC has also warned the Federação Portuguesa de Futebol (FPF), Portugal's national football federation, against introducing a rule which would limit the salaries of female football players. AdC warned FPF that imposing a cap on the total wage bill for clubs in the woman's national championship, Liga BPI, could constitute indirect price-fixing. 	<ul style="list-style-type: none"> – <i>AdC assures vigilance of anticompetitive practices that exploit current situation</i>, AdC (17/03/20) – <i>Covid-19: AdC warns associations of the need to comply with competition rules</i>, ADC (21/05/20) – <i>Covid-19: AdC imposes interim measure on the Portuguese Football League that suspends no-poach agreement</i>, AdC (26/05/20) – <i>Recommendation on the proposed limitation of wage bill contained in draft Regulation of the BPI League 2020/2021</i> (in Portuguese), ADC (06/2020)
<p>Romania</p>	<ul style="list-style-type: none"> – The RCC warns companies not to restrict competition under the pretence of adopting measures to prevent the spread of Covid-19 	<ul style="list-style-type: none"> – <i>Press release</i> (in Romanian), RCC (16/03/20) plus PaRR summary

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
Romanian Competition Council (RCC)	<p>and said it is closely monitoring conduct. It will take measures against abusive practices or cartels.</p> <ul style="list-style-type: none"> – 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 has said, for example, that retailers may coordinate on transportation services. But companies should make sure their products are available at competitive prices. – The RCC has begun an investigation into potential price fixing by producers of medical and sanitary supplies (in particular, companies who have recently switched to supplying these products). – The RCC has granted regulatory flexibility to the pharmaceutical industry in order to avoid shortages of drugs treating Covid-19 but warns it will not spare profiteering companies which charge abusive prices or seek price-fixing arrangements. – On 15 June, RCC Chairman Bogdan Chiritoiu announced that the agency would restart antitrust investigations once the state of alert has been lifted. According to Chiritoiu, the authority had not commenced any probes since the beginning of the outbreak. – The RCC has issued a recommendation to companies which have rented commercial spaces in shopping centres to independently negotiate contractual conditions with the owners/administrators of the centre. However, it also noted that small enterprises have been affected by the pandemic may engage a mediator, trade association or other third party to represent their interests provided this complies with antitrust laws. – The RCC is monitoring Covid-19 testing clinics after concerns about the increasing cost of tests. Chairman Bogdan Chiritoiu told the PaRR news service that its investigation was intended to act as a deterrent to other players considering price hikes. 	<ul style="list-style-type: none"> – Press release (in Romanian), RCC (23/03/20) plus PaRR summary – Agerpress report (in Romanian), (26/03/20), plus PaRR summary – Press release (in Romanian), RCC (04/20), plus PaRR summary – Press release (in Romanian), RCC (06/20), plus PaRR summary – The Competition Council makes recommendations in the context of reopening the shopping centres, RCC (06/20) – Romanian agency scrutinising COVID-19 testing clinics, PaRR (12/08/20) – Romanian agency analysis of COVID-19 testing prices should work as deterrent, chairman says, PaRR (04/09/20)

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
Russia Federal Antimonopoly Service of the Russian Federation (FAS)	<ul style="list-style-type: none"> – FAS will take immediate steps to tackle any breaches of antitrust law. FAS regional offices are monitoring prices of socially-important foodstuffs and goods. – The head of FAS Igor Artemiev has called for global cooperation and the exchange of experiences between agencies, in part to ease economic recovery after the crisis. FAS will allow certain types of agreements between competitors if they prevent shortages and lead to consumer benefits that outweigh likely competitive harm. FAS is currently monitoring companies in the air transportation, telecommunications, delivery services, gasoline and construction sectors at both federal and regional level. – FAS issued a press release noting that, in light of evidence of price manipulation by online sellers, it will be closely monitoring the sector and will take immediate action if antitrust infringements are uncovered. It warned that anti-competitive agreements aimed at increasing prices or creating artificial shortages are punishable with significant fines and may also incur criminal liability. – On 23 July 2020, a meeting was held within the framework of the BRICS interstate association during which the heads of the BRICS competition authorities discussed the Covid-19 pandemic and their responses. This resulted in a joint statement, developed at the initiative of FAS, which reiterates the five authorities' commitment to co-operate and strengthen their antitrust response to overcome the economic and social consequences of the pandemic amid the gradual lifting of Covid-19-related restrictions. – The Rostov OFAS has found that two companies coordinated their bids during auctions for the supply of medicines to public health institutions following proactive electronic monitoring by the regional authority. The FAS press release notes that in the context of countering the spread of Covid-19 infection, the proactive method of detecting cartels has proven effective. 	<ul style="list-style-type: none"> – Press release, FAS (23/03/20) – Press release, FAS (24/03/20) – FAS boss calls for global cooperation in response to the coronavirus, GCR (21/04/20) – Press release, FAS (04/05/20) – Heads of BRICS Competition Authorities adopted a joint statement on Covid-19, FAS (31/07/20) – Press release, FAS (02/09/20)
Spain	<ul style="list-style-type: none"> – CNMC has increased its monitoring for potential abuses that could hinder the supply or raise the prices of the products needed to 	<ul style="list-style-type: none"> – Press release (in Spanish), CNMC (12/03/20)

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
National Commission on Markets and Competition (CNMC)	<p>protect public health, such as price gouging or agreements between operators.</p> <ul style="list-style-type: none"> – CNMC has said that, in certain exceptional circumstances, derogations from antitrust law could be justified and has set up a dedicated mailbox to receive enquiries or complaints. – CNMC has reviewed its annual plan, first published in early February, taking into account the impact of the Covid-19 pandemic. The revised plan, which tacks closely to the original plan, incorporates new priorities for CNMC in addressing enforcement in the context of the pandemic as well as new procedural matters such as the on-going monitoring of the dedicated mailbox for Covid-19 related complaints. – As at 2 June 2020, CNMC had received over 500 complaints and inquiries from individuals and companies and was actively investigating potential anti-competitive practices in the funeral and financial services market, as well as the market for distribution and marketing of medical devices. CNMC has also opened investigations in the insurance sector (especially in relation to life insurance and sick leave insurance) and continues to closely monitor the evolution of food prices and other sectors that have been affected. CNMC noted that, of all the inquiries received, nearly half (45%) concerned the financial sector, with 30% concerning the price of food and medical supplies. <p>CNMC also noted that it had received inquiries from organisations in the financial sector, insurance sector and healthcare sector and has provided informal guidance to companies on ensuring that any cooperation agreements remain compliance with antitrust law.</p>	<ul style="list-style-type: none"> – Press release (in Spanish), CNMC (31/03/20), plus PaRR summary – Press release (in Spanish), CNMC (07/04/20), plus PaRR and Mlex summaries – Press release (in Spanish), CNMC (24/04/20), plus Mlex summary – Press release (in Spanish), CNMC (29/05/20) – Press release (in Spanish), CNMC (02/06/20)
Sweden Swedish Competition Authority (Konkurrensverket)	<ul style="list-style-type: none"> – The Konkurrensverket has indicated that it is prepared to offer more guidance for companies under these "extraordinary circumstances". 	<ul style="list-style-type: none"> – PaRR report on statement by Deputy Director General Karen Lunning (30/03/20)
Switzerland	<ul style="list-style-type: none"> – WEKO has reminded companies that it will not tolerate actions by companies seeking to restrict competition as a result of the pandemic 	<ul style="list-style-type: none"> – Press release (in German), WEKO (26/03/20), plus PaRR summary

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
Competition Commission (WEKO)	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.	
Turkey Turkish Competition Authority (TCA)	<ul style="list-style-type: none"> – 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. – Pursuant to a decision by the Competition Board on 7 May 2020, TCA has opened investigations into 29 undertakings, including supermarkets and companies involved in the trade of sanitary, hygiene and cleaning products over observed price increases during the Covid-19 pandemic. In the statement, the TCA noted that it may expedite its inquiry due to the context. – TCA has launched an investigation into 10 firms producing and selling face masks following price increases of between 600-700%. 	<ul style="list-style-type: none"> – Press release (in Turkish), TCA (24/03/20) – Press release, TCA (07/05/20), plus GCR report – Dunya press report (in Turkish), (12/05/20), plus PaRR summary
Ukraine Antimonopoly Committee (AMCU)	<ul style="list-style-type: none"> – AMCU has launched an investigation into retail pharmacy chains and medical suppliers in Kiev and the Kiev region in relation to increased prices for personal protective equipment, including face masks during the pandemic. – The Kiev Oblast territorial office of AMCU has launched an investigation into potential violations of competition law by medical laboratories and suppliers and manufacturers of Covid-19 tests. 	<ul style="list-style-type: none"> – Press release (in Ukrainian), AMCU (31/03/20) – Ukrainian agency probing Covid-19 test prices for anticompetitive conduct, PaRR (19/08/20)
United Kingdom Competition and Markets Authority (CMA)	<ul style="list-style-type: none"> – During the Covid-19 pandemic the UK Government has passed legislation (known as exclusion orders) temporarily relaxing antitrust law in relation to: <ul style="list-style-type: none"> (i) Grocery-chain suppliers and logistics service providers. Applicable from 1 March 2020, the legislation allows supermarkets to enter into various measures (including sharing data with each other on stock levels, cooperating to keep shops open or share distribution depots and delivery vans, coordinating the range of groceries to be or being supplied by suppliers or retailers and coordination on supplying 	<ul style="list-style-type: none"> – CMA statement on sales and pricing practices during Coronavirus outbreak, CMA (05/03/20) – Supermarkets to join forces to feed the nation, UK Government (19/03/20) – Covid-19: CMA approach to essential business cooperation, CMA (19/03/20) – An open letter to pharmaceutical and food and drink industries, CMA (20/03/20)

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	<p>groceries to consumers in areas of the UK that are particularly vulnerable to shortages of groceries). Logistics service providers may also exchange certain information (including in relation to labour availability and storage space). The exemption applies where the purpose of the agreement is to prevent or mitigate disruption to the supply of groceries to consumers in any part of the UK caused by a reason relating to coronavirus. This order was revoked as of 8 October 2020. However, a Government minister announced in a parliamentary debate on 6 November that the Government was considering whether such an exclusion was needed again as it had proven “very effective”.</p> <p>(ii) Healthcare service providers. Applicable from 1 March 2020, the legislation applies to agreements between the National Health Service Commissioning Board (NHS England) and providers who are not part of the NHS, between other NHS bodies and independent providers or between independent providers. It permits such parties to enter into agreements (including joint purchasing agreements, information sharing in relation to capacity for providing health services of a particular kind, including information regarding staff and facilities sharing or loan of facilities for the provision of health services). The exemption applies where the purposes of the agreement is to assist the NHS in addressing the effects or likely effects of coronavirus on the provision of health services to patients in England.</p> <p>Subsequent legislation was passed on 20 April 2020 in relation to similar provisions for healthcare service providers in Wales (applicable from 1 March 2020).</p> <p>(iii) Ferry operators in the Isle of Wight. Applicable from 16 March 2020, the legislation applies to agreements between two or more Solent crossing maritime operators. It permits the parties to coordinate on timetables, routes and the sharing of labour and facilities where the purpose of the agreement is to prevent or mitigate disruption to the provision of Solent crossings caused by a reason relating to coronavirus.</p>	<ul style="list-style-type: none"> – <i>CMA launches COVID-19 taskforce</i>, CMA (20/03/20) – <i>CMA approach to business cooperation in response to Covid-19</i>, CMA (25/03/20) – <i>Government to suspend competition law to support Isle of Wight ferry routes</i>, UK Government (27/03/20) – <i>FCA and PSR respond to the CMA’s guidance on business cooperation under competition law</i>, FCA and PSR (27/03/20) – <i>Explanatory Memorandum: The Competition Act 1998 (Health Services for Patients in England) (Coronavirus) (Public Policy Exclusion) Order 2020</i>, UK Government (27/03/20) – <i>Explanatory Memorandum: The Competition Act 1998 (Groceries) (Coronavirus) (Public Policy Exclusion) Order 2020</i>, UK Government (27/03/20) – <i>Explanatory Memorandum: The Competition Act 1998 (Solent Maritime Crossings) (Coronavirus) (Public Policy Exclusion) Order</i>, UK Government (27/03/20) – <i>Report a business behaving unfairly during the Coronavirus (Covid-19) outbreak</i>, CMA (04/04/20) – <i>Dairy industry to join together to manage milk supply</i>, Department for Environment, Food & Rural Affairs and Department for Business, Energy & Industrial Strategy (17/04/20) – <i>Explanatory Memorandum: The Competition Act 1998 (Health Services for Patients in</i>

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	<p>(iv) Producers of dairy products and dairy logistics providers. Applicable from 1 April 2020, the legislation applies to agreements to maximise processing, transport and storage efficiency and to those which avoid the need to mitigate the disposal of surplus milk resulting from a disruption in demand. The order sets out an exhaustive list of permitted cooperative behaviour for producers and dairy logistics providers, separately. This order expired on 1 August 2020 and will be revoked as of 25 September 2020.</p> <p>Any agreements entered into under the above legislation must be notified to the Secretary of State within 14 days and will end when the order is revoked by statutory instrument pursuant to provisions in an order which comes into force on 25 September 2020 (under the previous legislation, the exemptions were to end upon publication of an notice by the Secretary of State).</p> <ul style="list-style-type: none"> – CMA guidance provides detail on the way in which the CMA will apply its discretion to enforce breaches of antitrust law. It seeks to reassure businesses that it has no intention of taking enforcement action against temporary cooperation between businesses where this is appropriate and necessary in order to avoid a shortage, or ensure security, of supply; is clearly in the public interest; contribute to the benefit or wellbeing of consumers; deals with critical issues that arise as a result of the Covid-19 pandemic; and lasts 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 antitrust 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 	<p><i>Wales) (Coronavirus) (Public Policy Exclusion Order)</i>, UK Government (20/04/20)</p> <ul style="list-style-type: none"> – <i>@PSPReform tweet</i> (29/04/20) – <i>Explanatory Memorandum: The Competition Act 1998 (Dairy Produce) (Coronavirus) (Public Policy Exclusion) Order 2020</i>, UK Government (01/05/20) – <i>Protecting consumers during the coronavirus (COVID-19) pandemic: update on the work of the CMA's Taskforce</i>, CMA (21/05/20) – <i>Competition law exclusion orders relating to coronavirus (COVID-19)</i>, UK Government (21/05/20) – <i>Hand sanitiser products: suspected excessive and unfair pricing</i>, CMA case page (19/06/20) – <i>News publishers seek competition waiver for UK print distribution</i>, Financial Times (25/06/20) – <i>Joint letter from the Competition and Markets Authority and the General Pharmaceutical Council: pricing during the COVID-19 pandemic</i>, CMA and General Pharmaceutical Council (29/06/20) – <i>Update on the work of the CMA's Taskforce</i>, CMA (03/07/20) – <i>Joint statement against price gouging</i>, CMA, Association of Convenience Stores, Association of Independent Multiple Pharmacies, British Retail Consortium, Chartered Trading Standards Institute, Federation of Independent Retailers and Scottish Wholesale Association (03/07/20)

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	<p>reasonably necessary) 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. The CMA warns businesses that any reassurance it gives cannot protect against private damages actions.</p> <ul style="list-style-type: none"> - Two of the financial services sectoral regulators, the Financial Conduct Authority (FCA) and Payment Systems Regulator (PSR), issued a statement supporting the CMA's guidance, noting "[i]t is important that competition law does not impede firms from working together to provide essential services to consumers in the current coronavirus situation". - The CMA has also 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, take enforcement action if needed, and advise the Government on possible emergency legislation. - The CMA published an update on the work of its Covid-19 Taskforce on 3 July 2020, indicating that the Taskforce has now been contacted more than 80,000 times about Covid-19 related issues. The CMA has written to 277 firms to seek more information, or expressing concerns, about unjustifiable price rises. It has also published an open letter to the pharmaceutical and food and drink industries, and released a joint statement with trade associations condemning price gouging. The Taskforce continues to seek further evidence of claims about supplier pricing practices and continues to draw digital platforms' attention to complaints about listings charging unjustifiable prices for essential goods. The CMA notes that the issue is now less widespread, but it remains vigilant to the risk of price gouging and will monitor complaints closely. 	<ul style="list-style-type: none"> - <i>Statement regarding the CMA's decision to close certain investigations into suspected charging of excessive and unfair prices for hand sanitiser products during the Covid-19 pandemic</i>, CMA (13/07/20) - <i>July 2020: Loyalty Penalty Update</i>, CMA (13/07/20) - <i>How should competition policy react to coronavirus?</i>, The Rt Hon. Lord Tyrie (21/07/20) - <i>Statement regarding the CMA's decision to close an investigation into suspected charging of excessive and unfair prices for hand sanitiser products during the coronavirus (Covid-19) pandemic</i>, CMA (03/09/20) - <i>Explanatory Memorandum: Competition Act 1998 (Coronavirus) (Public Policy Exclusions) (Amendment and Revocation) Order 2020</i>, UK Government - <i>CMA acts to protect competition on UK-US airline routes</i>, CMA (17/09/20) - UK government contemplating relaxing competition rules again, PaRR (06/11/20)

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	<ul style="list-style-type: none"> – The CMA has also launched a dedicated online service for consumers and other businesses to report whether they consider a business has behaved "unfairly" during the Covid-19 pandemic. – The CMA has advised the UK Government on legislative changes that would enable a faster and more robust response to unjustifiable price rises. – According to a tweet by Private School Policy Reform (PSPR), the CMA has written to independent schools warning that they must act independently when determining the level of refunds/discounts on school fees in light of the current situation. The letter posted by PSPR states that agreeing prices or exchanging commercially sensitive information with competitors where this is not necessary to meet the needs of the current situation will almost certainly breach antitrust law. – The CMA launched an investigation into four pharmacies and convenience stores for suspected abuse of dominance as a result of charging excessive and unfair prices for hand sanitisers during the pandemic. The CMA subsequently announced that it had closed all of the probes, considering that the retailers' prices did not, or are unlikely to, infringe antitrust law and that further investigation was unlikely to reach a definitive view and would only deliver limited consumer benefits. The CMA and the General Pharmaceutical Council have also published a joint letter to pharmacy owners and superintendent pharmacists warning against unjustified price increases of essential products (including hand sanitiser, face masks and paracetamol) during the pandemic. – Newspaper publishers have asked the Government to consider introducing safe harbour provisions in the UK's competition law to enable them to discuss contingency plans for distribution (in event of the collapse of the supply chain). – The CMA has published an update on its loyalty penalty super-complaint, noting that Covid-19 has had a significant effect on consumers and businesses in the five markets being reviewed 	

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	<p>(mobile, broadband, cash savings, mortgages and insurance), as well as on the work being undertaken by the UK's sectoral regulators (which the CMA is encouraging them to continue to progress), but that it is too early to understand the longer-term implications of the pandemic. The FCA's final report on its general insurance pricing practices market study has been postponed.</p> <ul style="list-style-type: none"> – A paper by current CMA Chair Andrew Tyrie comments on how competition policy should react to Covid-19. He argues that in the short term, competition policy has a crucial role to play in protecting consumers from exploitative practices, ensuring enforcement does not stand in the way of necessary business cooperation, and advising government on how to minimise distortions to competition by emergency policy measures. In the longer term, he believes that the pandemic may aggravate rising market concentration, the power of digital markets and a deepening public distrust of markets. In his view, there will be a need for close oversight of how markets and consumer outcomes are changing, including greater regulation of digital platforms. – The CMA has announced that, due to the Covid-19 pandemic, it was unable to complete its investigation into the impact of an agreement between British Airways and American Airlines on competition on UK-US air routes. Instead it has (for the first time) imposed interim measures which effectively extend by three years the terms of commitments entered into by the airlines which were due to expire in March 2021. The CMA plans to complete its investigation by March 2024, when it expects the airline sector to be in a more stable position, and at that point will put in place a longer-term remedy, if needed. 	
Asia Pacific		
<p>ASEAN (Brunei, Cambodia, Indonesia, Laos PDR, Malaysia, Myanmar,</p>	<ul style="list-style-type: none"> – The AEGC released a statement in response to Covid-19, calling on businesses to continue to comply with antitrust law and encouraging them to contact their respective national antitrust authorities for 	<ul style="list-style-type: none"> – ASEAN Experts Group on Competition releases statement in response to COVID-19, ASEAN (10/06/20)

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Philippines, Singapore, Thailand, Vietnam) ASEAN Experts Group on Competition (AEGC)	guidance. The AEGC stated that it will not hesitate to take action through the national antitrust authority in each member state against any business which takes advantage of the current crisis by engaging in exploitative conduct that amounts to an abuse of its dominant position.	
Australia Australian Competition & Consumer Commission (ACCC)	<ul style="list-style-type: none"> <li data-bbox="539 475 1435 730">– In a number of statements, the ACCC has advised legal practitioners and companies that it is willing to grant interim authorisations allowing companies to enter into cooperation agreements where there is "a sense of national purpose, coordination is both efficient and carries little or no downside," and there is no risk of "long-term structural damage to competition, market concentration or long-term arrangements that make it more difficult for businesses to enter and compete into the future" according to ACCC Chair Rob Sims. <li data-bbox="539 735 1435 938">In that light, the ACCC has set up a Covid-19 taskforce to communicate with businesses directly to inform them of their obligations and deal with applications for authorisations "very quickly". Chair Sims has indicated that ACCC has engaged with thousands of reports from individuals and businesses during the course of the pandemic. <li data-bbox="539 943 1435 1145">While its 2020 Compliance and Enforcement Priorities remain in place, the ACCC intends to "re-focus" on those priorities with direct relevance to Covid-19, including enforcing against any behaviour which seeks to exploit the crisis with a particular focus on 'price gouging' for essential products and "affordability issues" in sectors such as energy, communications and petrol. <li data-bbox="539 1150 1435 1353">– The Australian Prudential Regulation Authority (APRA) and the ACCC have signed an updated MoU designed to foster closer collaboration between the two regulators. In announcing the MoU, Chair Sims noted that the MoU will enable the regulators to work closely, "including ensuring the impacts of COVID-19 on the financial sector are managed in a pragmatic and sensible way." <li data-bbox="539 1358 1435 1410">– On 17 September, the ACCC published a report on Airline Competition in Australia, noting the significant impact of Covid-19 on 	<ul style="list-style-type: none"> <li data-bbox="1442 475 2087 539">– Australian Banking Association small business relief package, ACCC (20/03/20) <li data-bbox="1442 544 2087 639">– Australian competition watchdog anticipates competition-law exemptions in response to Covid-19, Mlex (18/03/20) <li data-bbox="1442 644 2087 708">– Supermarkets to work together to ensure grocery supply, ACCC (24/03/20) <li data-bbox="1442 713 2087 751">– A&O Sydney <li data-bbox="1442 756 2087 820">– Cooperation to aid supply of Covid-19 medical equipment, ACCC (25/03/20) <li data-bbox="1442 825 2087 920">– ACCC authorises Regional Express to coordinate with other airlines, ACCC (26/03/20) <li data-bbox="1442 925 2087 989">– ACCC response to Covid-19 pandemic, ACCC (27/03/20) <li data-bbox="1442 994 2087 1058">– Banks authorised to co-operate on loan relief and services, ACCC (30/03/20) <li data-bbox="1442 1062 2087 1158">– Competition will be key to driving economic recovery, speech by ACCC chair Rob Sims (30/03/20) <li data-bbox="1442 1163 2087 1227">– Medicine wholesalers to co-operate on access to pharmaceutical products, ACCC (31/03/20) <li data-bbox="1442 1232 2087 1327">– NBN Co, telcos to coordinate on demand surge and consumer support package, ACCC (01/04/20)

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	<p>the sector and the approach the authority proposes in order to protect competition. This includes monitoring, reporting, advocacy, investigation and, where necessary, enforcement action. The ACCC notes that certain activities (including airlines entering agreements with suppliers to prevent competitors from offering services, or altering schedules to shut out competitors) are liable to damage competition and are examples of the type of conduct that the ACCC is monitoring. The report is the first under the Federal Treasurer's direction to the ACCC to monitor domestic air passenger services. In a speech on 15 October, Chair Sims noted that the ACCC is ready to act if it identifies behaviour "leading to diminishing levels of competition" by taking enforcement action or working with the Government on possible policy options. The Chair also noted that the ACCC is interested to see how "airports price their services and otherwise react as the aviation sector recovers" given the lack of regulation of price or service on airports as natural monopolies in Australia.</p> <p>– The ACCC has to date granted interim authorisations in relation to the Covid-19 crisis to:</p> <p>(i) The Australian Banking Association (ABA) and banks to coordinate to implement a small business relief package. The ACCC also granted a second interim authorisation for the ABA and banks to cooperate to provide supplementary relief packages for individuals and businesses affected by Covid-19. Specifically, the ACCC approved a business relief package whereby the banks agree to defer principal and interest payments for loans by commercial property landlords (up to AUD10m), as long as they do not terminate leases or evict tenants. Banks have also been granted interim authorisation to coordinate to ensure customers can access services, including, where possible, some counter services.</p> <p>On 14 August 2020, the ACCC issued a final conditional authorisation extending the cooperation until 14 August 2021.</p> <p>(ii) Supermarkets, to allow them to coordinate with each other when working with manufacturers, suppliers, and transport and logistics</p>	<ul style="list-style-type: none"> – <i>Insurers to offer deferred payments, refunds under small business relief package</i>, ACCC (02/04/20) – <i>Shopping centres to co-operate to support retail tenants</i>, ACCC (03/04/20) – <i>Medicine manufacturers to coordinate on COVID-19 response</i>, ACCC (03/04/20) – <i>Co-operation to support reliable energy sector authorised</i>, ACCC (03/04/20) – <i>Oil companies allowed to co-operate to secure fuel supply during COVID-19 pandemic</i>, ACCC (03/04/20) – <i>Private and public hospitals to cooperate on COVID-19 in Victoria and Queensland</i>, ACCC (07/04/20) – <i>Co-operation on funding to aid smaller lenders during COVID-19</i>, ACCC (08/04/20) – <i>Private health insurers to cooperate on COVID-19 coverage and deferral of premiums</i>, ACCC (08/04/20) – <i>Co-ordination on life insurance for frontline workers during pandemic</i>, ACCC (14/04/20) – <i>Private and public hospitals in NT and SA authorised to cooperate on COVID-19 response</i>, ACCC (17/04/20) – <i>Expanded co-operation for energy sector during pandemic</i>, ACCC (20/04/20) – <i>Retailers granted authorisation to collectively negotiate with landlords</i>, ACCC (22/04/20)

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	<p>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. The ACCC subsequently revoked and replaced the interim authorisation with a new measure to permit coordination related to the Department of Home Affairs' Supermarkets Taskforce and its working groups, and the National Indigenous Australians Agency's Covid-19 working groups.</p> <p>On 3 September 2020, the ACCC issued a final conditional authorisation extending the cooperation until 31 March 2021.</p> <p>(iii) 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.</p> <p>The ACCC granted conditional interim authorisation on 17 April 2020 following an application amendment by MTAA. This replaced the earlier authorisation.</p> <p>On 10 September 2020, the ACCC issued a final determination granting conditional authorisation to continue the conduct until 30 September 2021.</p> <p>(iv) 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.</p> <p>On 15 September, the ACCC issued a final determination granting conditional authorisation to continue the coordination of flight schedules on 10 routes until 20 June 2021.</p> <p>(v) Wholesalers of medicines to cooperate to facilitate distribution of essential medication and pharmacy products following an application by the National Pharmaceutical Services Association.</p>	<ul style="list-style-type: none"> – <i>7-Eleven and franchisees authorised to co-operate on store opening times</i>, ACCC (24/04/20) – <i>Mining companies allowed to co-operate during COVID-19 pandemic</i>, ACCC (24/04/20) – <i>WA private and public hospitals able to co-operate on COVID-19 response</i>, ACCC (29/04/20) – <i>Electricity and gas companies to co-operate on relief package</i>, ACCC (01/05/20) – <i>Private and public hospitals in NSW and Tasmania authorised to cooperate on COVID-19 response</i>, ACCC (01/05/20) – <i>The very bad, and some good, from COVID-19</i>, ACCC (05/05/20) – <i>Australian Medical Association (NSW) authorised to collectively negotiate with private hospitals</i>, ACCC (08/05/20) – <i>Private and public hospitals in the ACT authorised to cooperate on COVID-19 response</i>, ACCC (15/05/20) – <i>National Retail Association – Application for Authorisation AA1000512</i>, ACCC (19/05/20) – <i>Insurers to be authorised to continue relief measures for small businesses</i>, ACCC (10/06/2020) – <i>ACCC revokes and replaces supermarkets COVID-19 interim authorisation</i>, ACCC (10/06/2020) – <i>ACCC issues draft determination proposing to grant conditional authorisation to the</i>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<p>On 17 September, the ACCC issued a final determination granting conditional authorisation to continue the cooperation to ensure the supply of medical products during the pandemic until 30 September 2021.</p> <p>(vi) NBN Co and five retail service providers to keep Australia's telecommunications networks operating effectively. At the request of the Minister for Communications, Cyber Safety and the Arts, the telcos have formed a special working group to share information, coordinate strategies to manage congestion and take other steps to address significant demand changes. The ACCC will be an observer on the group.</p> <p>On 23 July 2020, the ACCC revoked the interim authorisation and granted a narrower interim authorisation subject to NBN Co complying with certain (broader) reporting obligations.</p> <p>On 10 September, the ACCC issued a final determination granting conditional authorisation to continue the conduct until 31 March 2020.</p> <p>(vii) Insurance companies and brokers (Suncorp, Allianz, and QBE Insurance, as well as any other insurers or insurance brokers who choose to take part, as long as they notify the ACCC) who have been granted an interim authorisation to work together to implement Covid-19 relief measures for certain small businesses. The package includes a range of measures, including that existing eligible business customers suffering hardship as a result of the Covid-19 pandemic are able to defer their insurance premium payments for up to six months.</p> <p>On 10 June 2020, ACCC announced that it was proposing to grant authorisation to allow insurers and brokers to continue coordination of relief measures until 30 June 2020, and to keep such relief measures in place until 31 December 2020. Such authorisation was granted on 9 July 2020.</p>	<p><i>Australian Banking Association (ABA), ACCC (01/07/20)</i></p> <ul style="list-style-type: none"> – <i>ACCC proposes to authorise coordination for the supply of medical equipment, ACCC (26/06/20)</i> – <i>ACCC proposes to authorise collective bargaining by retail tenants, ACCC (03/07/20)</i> – <i>ACCC grants authorisation to 7-Eleven Stores Pty Limited, ACCC (07/07/20)</i> – <i>Private and public hospitals can continue cooperating on COVID-19, ACCC (09/07/20)</i> – <i>ACCC proposes to allow supermarkets to continue cooperating on grocery supply, ACCC (15/07/20)</i> – <i>ACCC proposes to authorise coordination in relation to private health insurance coverage during the COVID-19 pandemic, ACCC (15/07/20)</i> – <i>ACCC authorises life insurers' COVID-19 commitment to healthcare workers, ACCC (16/07/20)</i> – <i>ACCC revokes and replaces NBN Co COVID-19 interim authorisation, ACCC (23/07/20)</i> – <i>Proposal to allow continued cooperation on fuel supply measures, ACCC (23/07/20)</i> – <i>National Pharmaceutical Services Association (NPSA), ACCC (24/07/20)</i> – <i>Australian Energy Market Operator (AEMO), ACCC (24/07/20)</i> – <i>7-Eleven Stores Pty Limited, ACCC (29/07/20)</i>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	(viii) Shopping centre owners and managers to discuss and implement rent relief measures for small to medium shopping centre tenants.	– <i>ACCC proposes to continue to allow airlines to cooperate on regional routes</i> , ACCC (30/07/20)
	This authorisation was subsequently revoked on 15 May 2020 as the parties no longer intend to develop a coordinated response.	– <i>ACCC proposes to authorise cooperation to optimise NBN during the COVID-19 pandemic</i> , ACCC (05/08/20)
	(ix) Medicines Australia, the Generic and Biosimilar Medicines Association and their members to work together to support the continued supply of essential medicines during the Covid-19 pandemic. The ACCC's authorisation is targeted to allowing the manufacturers to identify and mitigate any shortages or supply chain problems that could impact the availability of medicines in Australia.	– <i>ACCC grants authorisation to participants in the Australian mining sector</i> , ACCC (05/08/20)
	On 24 September, the ACCC issued a final determination granting conditional authorisation until 30 September 2021.	– <i>ACCC grants authorisation to Australian Energy Council Limited</i> , ACCC (05/08/20)
	(x) The gas and electricity sector, authorising participants to undertake measures, including those deemed necessary to minimise the risk of outages, and share resources if necessary to maintain and operate energy infrastructure.	– <i>ACCC proposes to grant authorisation to the Australian Medical Association (New South Wales)</i> , ACCC (05/08/20)
	This interim authorisation was revoked and replaced with a new interim authorisation for a broader range of conduct (excluding any conduct relating to gas availability).	– <i>ACCC authorises collective bargaining by retail tenants</i> , ACCC (06/08/20)
	On 24 July 2020 the ACCC issued a draft determination proposing to grant conditional authorisation until 31 March 2021, at the same time revoking the interim authorisation and replacing it with an interim authorisation permitting a narrower range of conduct. On 17 September, the ACCC issued a final determination granting conditional authorisation until 31 May 2021.	– <i>ACCC proposes to authorise collective bargaining with Tabcorp</i> , ACCC (06/08/20)
	(xi) Major oil refiners and the Australian Institute of Petroleum (AIP) to discuss and put in place measures so fuel supplies remain available during the Covid-19 pandemic, and after the economic shutdown ends.	– <i>Processors authorised to cooperate on Victorian chicken meat supply</i> , ACCC (10/08/20)
		– <i>ACCC grants authorisation for Private Hospital COVID-19 arrangements</i> , ACCC (13/08/20)
		– <i>ACCC authorises Australian Banking Association to coordinate COVID-19 relief measures</i> , ACCC (14/08/20)
		– <i>AMA(NSW) – VMO collective bargaining in response to COVID-19</i> , ACCC (26/08/2020)
		– <i>ACCC grants authorisation to participants in the Australian mining sector</i> , ACCC (27/08/2020)

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<p>On 10 September 2020, the ACCC issued a final determination granting conditional authorisation to continue the conduct until 31 March 2021.</p> <p>(xii) Private hospitals in Victoria and Queensland to work together, for example by discussing expected demand for services and available resources, sharing and jointly procuring equipment, medicines and other resources, allocating patients between hospitals, or sharing staff.</p> <p>On 13 August 2020, the ACCC issued a final determination granting conditional authorisation for the conduct until 30 September 2021.</p> <p>(xiii) Members of the Australian Securitisation Forum to work together to assist smaller lenders to maintain liquidity and issue loans to consumers and small businesses during the economic disruption caused by the Covid-19 pandemic and administer the federal government's AUD15bn Structured Finance Support Fund.</p> <p>(xiv) Private health insurers to coordinate on providing financial relief to policy holders during the Covid-19 pandemic, and broadening insurance coverage to include Covid-19 treatment, tele-health and medical treatment provided at home.</p> <p>The interim authorisation was revoked on 3 June and substituted with conditional interim authorisation for the proposed conduct.</p> <p>On 17 September, the ACCC issued a final determination granting conditional authorisation until 31 March 2021.</p> <p>(xv) Life insurers to coordinate to ensure frontline healthcare workers are not excluded from coverage due to potential or actual exposure to Covid-19. The interim authorisation means that the Financial Services Council and its members cannot use exposure to Covid-19 as a reason to decline life insurance coverage to a frontline health worker, or to charge higher premiums or apply risk exclusions to any new policy.</p>	<ul style="list-style-type: none"> – <i>ACCC grants authorisation to Australian Energy Council Limited</i>, ACCC (02/09/20) – <i>Proposal to authorise arrangements to ensure security of supply of medical oxygen during COVID 19 pandemic</i>, ACCC (02/09/20) – <i>Supermarkets authorised to continue cooperating on COVID-19 response</i>, ACCC (03/09/20) – <i>ACCC authorises cooperation to optimise NBN during the COVID-19 pandemic</i>, ACCC (10/09/20) – <i>ACCC grants authorisation to cooperate in the supply of medical equipment</i>, ACCC (10/09/20) – <i>Oil companies authorised to cooperate to secure fuel supplies during COVID-19</i>, ACCC (10/09/20) – <i>APRA and ACCC sign updated Memorandum of Understanding</i>, APRA (15/09/20) – <i>Airline competition critical for consumers and economy</i>, ACCC (17/09/20) – <i>ACCC grants authorisation to cooperate in relation to private health insurance coverage during the COVID-19 pandemic</i>, ACCC (17/09/20) – <i>Energy industry cooperation authorised with strict conditions</i>, ACCC (17/09/20) – <i>ACCC grants authorisation to coordinate the supply of medicines and pharmacy products</i>, ACCC (17/09/20) – <i>ACCC proposes to authorise processors to cooperate on Victorian chicken meat supply</i>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<p>On 16 July 2020, the ACCC granted conditional authorisation to the FCS and its member companies to give effect to the conduct until 31 July 2020.</p> <p>(xvi) Private and public hospitals in Northern Territory and South Australia in separate interim authorisations. Similar to the interim authorisation granted to hospitals in Queensland in Victoria (see (xii) above), the ACCC will allow operators in each jurisdiction to work with each other and relevant health agencies during the current health crisis by, for example, discussing expected capacity and demand for services, jointly procuring and distributing medical equipment and supplies, and sharing staff.</p> <p>On 13 August 2020, the ACCC issued a final determination granting conditional authorisation for the conduct until 30 September 2021.</p> <p>(xvii) Australian Retailers Association and National Retailers Association (plus other industry associations) to enable retail tenant members to collectively negotiate with landlords regarding the support to be provided to tenants by landlords. Sharing of sensitive rent information is not permitted.</p> <p>On 6 August the ACCC granted two conditional authorisations for this conduct until 1 September 2021.</p> <p>(xviii) 7-Eleven and its franchises to discuss potential temporary store closures or reduced trading hours in light of reduced customer demand because of Covid-19 restrictions.</p> <p>On 29 July 2020 the ACCC granted conditional authorisation to 7-Eleven until 31 March 2021.</p> <p>(xvix) Members of the Minerals Council of Australia and other mining associations to work together to manage critical services and supplies. The authorisation only applies to activities relating to these critical services and supplies. It will, for example, allow companies to share inventories and manage demand for these critical services and supplies, coordinate deliveries, and share details of potential suppliers of personal protective equipment needed to work in underground mines.</p>	<p><i>during the COVID-19 pandemic, ACCC (24/09/20)</i></p> <ul style="list-style-type: none"> – <i>ACCC authorises cooperation to support coordination for the supply of essential medicines and related devices during the COVID-19 pandemic, ACCC (24/09/20)</i> – <i>Competition issues in infrastructure and changes since Covid-19, ACCC (15/10/20)</i> – <i>ACCC grants authorisation to processors to cooperate on Victorian chicken meat supply during the COVID-19 pandemic, ACCC (29/10/20)</i>

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<p>The ACCC issued a draft determination proposing to grant conditional authorisation until 30 June 2021.</p> <p>The ACCC issued a final determination granting authorisation, effective from 18 September 2020 until 30 June 2021.</p> <p>(xx) Western Australia's Department of Health, private hospitals and public health agencies to work with each other and relevant health agencies during the current health crisis by, for example, discussing expected capacity and demand for services, jointly procuring and distributing medical equipment and supplies, and sharing staff.</p> <p>On 13 August 2020, the ACCC issued a final determination granting conditional authorisation for the conduct until 30 September 2021.</p> <p>(xxi) The Australian Energy Council and wholesale and retail energy businesses to cooperate to provide financial relief to residential and business customers who may be financially impacted by the pandemic.</p> <p>On 24 July 2020 the AEC amended the proposed conduct in its application for authorisation to reflect the changed circumstances since the Application was lodged and interim authorisation was granted.</p> <p>On 5 August 2020 the ACCC issued a draft determination proposing to grant conditional authorisation until 30 June 2021. Coinciding with the release of the draft determination, the ACCC revoked the earlier interim authorisation and issued a new interim authorisation permitting the narrowed range of conduct that AEC proposed on 24 July 2020.</p> <p>On 2 September 2020, the ACCC granted conditional authorisation until 30 June 2021.</p> <p>(xxii) Public and private health operators in NSW and Tasmania to work with each other and relevant health agencies during the pandemic by, for example, discussing expected capacity and demand for services, jointly procuring and distributing medical equipment and supplies, and sharing staff.</p>	

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<p>On 13 August 2020, the ACCC issued a final determination granting conditional authorisation for the conduct until 30 September 2021.</p> <p>(xxiii) The Australian Medical Association (New South Wales) to collectively bargain with private hospitals about the contract terms of Visiting Medical Officers who are working in private hospitals, but are providing public patient services that have been transferred there from public hospitals in response to the Covid-19 pandemic.</p> <p>The ACCC issued a draft determination proposing to grant conditional authorisation until 30 September 2021.</p> <p>On 26 August 2020, the ACCC issued a final determination to grant authorisation, which will come into effect on 17 September 2020.</p> <p>(xxiv) Public and private hospital operators in the Australian Capital Territory to work with each other during the current health crisis by, for example, discussing expected capacity and demand for services, jointly procuring and distributing medical equipment and supplies, and sharing staff.</p> <p>On 13 August 2020, the ACCC issued a final determination granting conditional authorisation for the conduct until 30 September 2021.</p> <p>(xxv) The National Lotteries and Newsagents Association to collectively bargain on behalf of members with Tabcorp.</p> <p>The ACCC issued a draft determination proposing to grant authorisation for five years.</p> <p>(xxvi) A group of chicken processors, including the Australian Chicken Meat Federation (the representative body for the chicken meat industry) to cooperate on a range of measures relating to their plants, aimed at ensuring sufficient supply of chickens and chicken meat, reducing the extent of any job losses, and managing the impact of the stage 4 Covid-19 restrictions in Victoria on chicken growers and other parts of the supply chain. The authorisation would allow sharing or coordinating the use of processing capacity, essential staff, facilities and products.</p>	

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<p>(xxvii) The Australian New Zealand Industrial Gas Association (ANZIGA). The authorisation enables ANZIGA's members and their related bodies corporate and other suppliers of medical oxygen to hospitals and similar medical facilities to exchange information and make and give effect to contracts, arrangements and understandings to ensure security of supply of medical oxygen to hospitals and similar medical facilities during the Covid-19 pandemic.</p> <p>On 1 October 2020, the ACCC issued a final determination granting conditional authorisation for the conduct until 30 September 2021.</p> <p>(xxviii) Victorian chicken meat suppliers to coordinate through a working group to reduce the impact of the Covid-19 pandemic and associated Victorian stage 4 restrictions on the chicken meat industry.</p> <p>On 29 October, the ACCC issued a final determination granting conditional authorisation for the conduct until 31 December, subject to conditions requiring the processors to provide the ACCC with weekly reports setting out decisions made by the working group.</p>	
<p>Bangladesh Bangladesh Competition Commission (BCC)</p>	<ul style="list-style-type: none"> - A five member panel of the BCC is monitoring the sale of essential medical and health care items, PPE production factories, and services provided by private clinics, hospitals and diagnostic centres in particular for evidence of anti-competitive practices. The panel will submit a final report to the BCC. 	<ul style="list-style-type: none"> - Bangladesh antitrust agency to regulate personal protective equipment market, PaRR (17/08/20)
<p>China State Administration for Market Regulation (SAMR)</p>	<ul style="list-style-type: none"> - 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. - SAMR has said in a statement that it will suspend certain antitrust rules under China's Anti-Monopoly Law to support efforts to fight the Covid-19 epidemic and to resume industrial production. For example, there will be exemptions in relation to technical developments and the development of unified standards in the healthcare sectors regarding the manufacture or development of medicines, medical devices, protective equipment and vaccines as well as schemes 	<ul style="list-style-type: none"> - SAMR website - A&O Beijing/Shanghai/A&O Lang Yue (FTZ) Joint Operation Office (23/03/20) - Press release (in Chinese), SAMR (05/04/20) plus Mlex summary (06/04/20) - China's SAMR calls for enhanced competition enforcement, intensified IP protection, Mlex (15/06/20)

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	<p>implement for disaster relief. SAMR indicated that any applicant for an exemption (or any complainant) would be contacted within two days of submitting a request.</p> <ul style="list-style-type: none"> – SAMR has issued a statement calling for enhanced antitrust enforcement by local-level market supervision departments, with a focus on sectors involving antivirus supplies, daily consumable products, e-commerce, live streaming platforms and medical procurement and sales. – On 23 July 2020, the head of SAMR participated in a meeting of the BRICS interstate association, issuing a joint statement along with the competition authorities of the other BRICS countries concerning the response to the Covid-19 pandemic (see further <i>Russia</i> above). 	
<p>Fiji Competition and Consumer Commission (FCCC)</p>	<ul style="list-style-type: none"> – The FCCC is actively investigating eight cases of suspected price gouging reported by consumers. – The FCCC has fined nine traders for charging excessive prices, making false representations and failing to display list prices during the pandemic. According to Chief Executive Joel Abraham, 3,503 inspections have been carried out as at 28 May, with action taken against 202 traders. 	<ul style="list-style-type: none"> – Press report, Fijian Broadcasting Corporation (20/03/20) – Fijian authority charges nine traders for violating antitrust act, PaRR (28/05/20)
<p>French Polynesia Polynesian Competition Authority (FPCA)</p>	<ul style="list-style-type: none"> – The FPCA has stressed that Polynesian antitrust law includes provisions allowing it to adapt to exceptional circumstances. To cope with the current crisis, mechanisms derogating from antitrust 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. – However, the FPCA will not tolerate behaviour in breach of the antitrust rules by players tempted to take advantage of the situation, eg in the form of price hikes. 	<ul style="list-style-type: none"> –
<p>Hong Kong (SAR), China</p>	<ul style="list-style-type: none"> – The HKCC has issued a statement commenting that it will take a "pragmatic approach" to the enforcement of antitrust law "in respect of temporary measures which are genuinely necessitated by the 	<ul style="list-style-type: none"> – Hong Kong antitrust regulator looking out for global practices in response to Covid-19, Mlex (19/03/20)

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
Hong Kong Competition Commission (HKCC)	<p>COVID-19 outbreak". In the same statement it reiterated that it will remain vigilant against companies seeking to "take advantage" of the situation.</p> <ul style="list-style-type: none"> – The HKCC warns businesses and public bodies participating in anti-epidemic subsidy programmes against engaging in anti-competitive conduct. – Building on this, HKCC CEO Brent Snyder noted (during an online antitrust event) that the HKCC may consider exercising "its discretion" when it comes to reviewing collaborations between competitors which have been entered into to deal with the Covid-19 pandemic. This could include issuing comfort letters or applying existing exclusions in the law for economically efficient agreements. – The HKCC has issued a statement following press reports about businesses suspected of engaging in anticompetitive practices when procuring and supplying goods and services under subsidy programmes organised by the Government. In the statement, the HKCC reiterates its guidance from earlier in the year (see above) that businesses applying for and receiving subsidies should be particularly vigilant during the procurement process to avoid infringing antitrust laws. 	<ul style="list-style-type: none"> – A&O Hong Kong (23/03/20) – Press release, HKCC (27/03/20) – Press release, HKCC (08/05/20) – Mlex report on comments by Commission CEO Brent Snyder at an online event (08/05/20) – Competition Commission cautions participants in anti-epidemic subsidy programmes to comply with Competition Ordinance, HKCC (14/08/20)
<p>India</p> <p>Indian Competition Commission (CCI)</p>	<ul style="list-style-type: none"> – CCI Chairman Ashok Kumar Gupta has stated that it is taking a "multi-pronged" approach to enforcement and monitoring during the Covid-19 pandemic. This includes advocacy activities, such as "nudging" businesses to ensure that they do not violate India's competition law. CCI is also scanning media reports to look for signs of anti-competitive conduct with a view to opening inquiries and investigations. Gupta also noted that the competition law itself is "flexible and forward-looking" and that it may protect businesses from sanction where agreements lead to efficiencies. – 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 	<ul style="list-style-type: none"> – Shardul Amarchand Mangaldas (local counsel) (21/03/20) – Advisory to Businesses in Time of Covid-19, CCI (19/04/20), plus AZB Partners (local counsel) summary – CCI adopting multi-pronged approach; competition law flexible to deal with challenges: Ashok Kumar Gupta, The Economic Times (21/06/20)

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<p>antitrust rules or the Central Government should issue directions on policy.</p> <ul style="list-style-type: none"> – The CCI has issued an advisory statement recognising the need for businesses to coordinate with regard to certain activities, including sharing data on stock levels, sharing of distribution channels and infrastructure and sharing production and transport facilities to ensure continued supply of products (such as medical and healthcare products) or services (such as transport or logistics). The CCI emphasises that the relevant antitrust provisions already have built-in safeguards to allow for a certain degree of cooperation and that it will only consider cooperation strictly necessary to address the Covid-19 pandemic as benefitting from those provisions. – 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. – On 23 July 2020, the head of the CCI participated in a meeting of the BRICS interstate association, issuing a joint statement along with the competition authorities of the other BRICS countries concerning the response to the Covid-19 pandemic (see further <i>Russia</i> above). 	
<p>Indonesia Business Competition Supervisory Commission (KPPU)</p>	<ul style="list-style-type: none"> – KPPU has issued regulations which would see the relaxation of competition law enforcement in response to Covid-19. Under the regulations, published in October 2020, companies may seek approval from the authority to enter into potentially anti-competitive agreements (including conduct such as price fixing) or engage in anti-competitive conduct. Following receipt of a written request, KPPU will conduct its analysis and issue a decision within 14 days. In addition, KPPU will also relax its enforcement in relation to the procurement of medical supplies and drugs, as well as the construction of facilities such as emergency hospitals. A spokesperson told Mlex that “<i>The relaxation means that KPPU will not investigate a case related to the procurement of medical supplies related to Covid-19</i>”. Earlier in the year, the KPPU had said that it 	<ul style="list-style-type: none"> – Press release (in Indonesian), KPPU (03/03/20), plus A&O Jakarta – Press release (in Indonesian), KPPU (24/03/20), plus Mlex summary – PaRR report on information from a senior official (25/03/20) – Press release (in Indonesian), KPPU (08/04/20) – Press release (in Indonesian), KPPU (13/04/20), plus A&O Jakarta – Covid-19 price spikes probed by Indonesian antitrust regulator for possible violations, Mlex (15/04/20)

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	<p>was open to approaches by companies seeking to enter into agreements with competitors designed to improve efficiencies.</p> <ul style="list-style-type: none"> – KPPU has requested 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 has indicated that it is prepared to take strict action. – KPPU has stated that it will not object if the Government exempts Indonesian companies from opening a public tender for the import of personal protective equipment. – KPPU has declared that it has not found any indication of a breach of antitrust law in relation to the trading of face masks, following an own-initiative investigation by KPPU in response to the price hike and scarcity of masks during early February 2020 to 2 March 2020. The investigation showed that there were significant price hikes of 3-ply and N95 masks but KPPU concluded that they were driven by the increase of demand due to the Covid-19 outbreak. – Despite the large-scale social restrictions imposed in Jakarta due to the Covid-19 outbreak, KPPU is maintaining its supervision of competition in the market, in particular in relation to food staples including sugar, rice, beef, chicken meat and eggs. – KPPU launched an investigation into complaints that certain hospitals are overcharging for Covid-19 rapid testing. – On 13 April 2020, KPPU initiated an investigation into anti-competitive 'tying' practices, alleging that hospitals have been bundling Covid-19 rapid tests with other services. However, it announced in June that it had dropped the investigation following discussion with health industry experts and hospitals in six Indonesian cities and finding no evidence of forced tying of Covid-19 tests with other services. – KPPU has issued a press release in response to a statement by the Minister of State-Owned Enterprises that a syndicate is operating in Indonesia to ensure that the country keeps importing medical devices rather than manufacturing them domestically. KPPU 	<ul style="list-style-type: none"> – Press release (in Indonesian), KPPU (23/04/20), plus A&O Jakarta – Press release (in Indonesian), KPPU (23/04/20), plus A&O Jakarta – Press release (in Indonesian), KPPU (15/05/20), plus Mlex summary – Indonesia probes alleged price-fixing in sugar sector, PaRR (22/05/20) – Indonesian antitrust regulator open to advising on Covid-19 cooperation plans, Mlex (19/06/20) – Indonesia relaxes antitrust enforcement, merger-notification rules amid pandemic, Mlex (12/11/20) – Anticompetitive behavior may be allowed amid pandemic under Indonesia's relaxed rules, Mlex (12/11/20)

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	<p>emphasises that healthcare has been one of its primary focuses in the last few years and, given the Covid-19 emergency situation, if the authority finds any evidence of anti-competitive conduct it will likely impose the maximum possible sanctions.</p> <ul style="list-style-type: none"> – In relation to the Government's pre-employment card scheme (a programme has been set up to develop the skills of job seekers and employees who have lost their jobs) which, according to press reports, has been expedited due to the impact on labour markets as a result of the Covid-19 pandemic, KPPU has stated that it will request information from the organising body to ensure that antitrust laws are complied with. In particular, KPPU is looking for information on matters such as the appointment of the relevant market participants and the organisation's dual role as both a digital platform and a provider of training services. – Five oil and gas companies are under investigation after KPPU found evidence to support price fixing allegations. KPPU noted that, while the price of non-subsidised fuel, has fallen in neighbouring countries during the Covid-19 pandemic that prices in Indonesia had remained stagnant. – According to Commissioner Guntur Saright, KPPU intends to investigate price increases in the sugar sector after significant price increases above 200% in the months of April and May. 	
<p>Japan Japan Fair Trade Commission (JFTC)</p>	<ul style="list-style-type: none"> – 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. – On 24 April, the JFTC published a statement announcing its view that setting a fixed price ceiling for the sale of certain products such as face masks to avoid resellers charging excessive prices would be justifiable under Japan's antitrust laws. – The JFTC published a statement on 28 April clarifying its approach to cooperative efforts between companies in response to the Covid-19 	<ul style="list-style-type: none"> – Press release (in Japanese), JFTC (28/02/20), plus Mlex summary – Press release (in Japanese), JFTC (24/04/20), plus PaRR summary – Press release (in Japanese), JFTC (28/04/20), plus PaRR summary

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	<p>pandemic. In its statement, the JFTC (i) notes that cooperation between competitors which is necessary and temporary in nature to avoid a shortage of supplies would not contravene the country's antitrust laws; and (ii) refers to a published set of initiatives which might be permissible during emergencies, advising businesses to contact the authority should they have any doubts regarding activities which are not listed.</p>	
<p>New Caledonia New Caledonia Competition Authority (ACNC)</p>	<ul style="list-style-type: none"> – 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. 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. – Following a request from the Department of Purchases, Heritage and Resources the ACNC has approved a scheme under which manufacturers of face masks were invited to participate in discussions about procurement and quality standards and two manufacturers submitted a joint response to a tender in April 2020. The ACNC noted that the cooperation had a tangible public benefit to consumers. The ACNC also noted that the cooperation had been strictly limited in time and that, given the production of face masks was now standardised, that such cooperation would not be tolerated in future. 	<ul style="list-style-type: none"> – Press release (in French), ACNC (19/03/20), plus PaRR summary – Press release (in French), ACNC (03/07/20)
<p>New Zealand New Zealand Commerce Commission (NZCC)</p>	<ul style="list-style-type: none"> – The NZCC announced 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. – The NZCC has published a guidance document for businesses setting out the factors it will take into account when deciding whether to investigate or take enforcement action, eg that the collaboration 	<ul style="list-style-type: none"> – Government statement on commercial cooperation during Covid-19, Government (22/03/20) – Covid-19 - Commerce Commission approach to essential goods and services business cooperation, NZCC (22/03/20) – Guideline: Business Collaboration under Covid-19, NZCC (05/20)

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	<p>should concern new measures being taken in good faith in response to the pandemic that cannot be effectively achieved by businesses acting alone, that it should relate to essential goods or services, or facilitating the supply of such goods or services, that it should be directed at achieving an outcome that benefits consumers or is otherwise in the public interest, and that it should be limited in scope and duration, and cover no more than is necessary. The guidance warns, however, that it is important to ensure that prices are not artificially inflated by businesses seeking to take advantage of the pandemic by colluding to limit supply or keep prices high.</p> <ul style="list-style-type: none"> – Subsequently, the NZCC has published guidelines on its approach to authorising agreements that may lessen competition, following an amendment by the Government to the country's antitrust laws under the Covid-19 Response (Further Management Measures) Legislation Act 2020. Under the new legislation, the NZCC may grant a provisional authorisation to agreements containing 'cartel provisions' under section 65AD Commerce Act 1986 while the agreement is still under formal review and consultation by the authority. The NZCC may also grant an authorisation under section 61 Commerce Act 1986 without issuing a draft determination or holding a conference. Under the guidelines, when considering whether to issue a provisional authorisation to agreements containing a cartel provision (eg price fixing, restriction of output or market sharing) the NZCC will apply a public benefit test. The guidelines indicate that the NZCC is likely to grant a provisional authorisation by weighing up factors including (i) the promotion of competition in markets for the long-term benefit of consumers; (ii) the urgency of the application; (iii) the potential benefits and detriments; (iv) the extent to which any relevant market may change if an authorisation is or is not granted; (v) the possible harm to an applicant if the authorisation is not granted; (vi) possible harm to other parties or the public if the authorisation is granted or declined; and (vii) the likely scope and duration of the provisional authorisation. Provisional authorisation is unlikely to be granted where the relevant agreement could 	<ul style="list-style-type: none"> – Guidelines on Approach to Authorisations, NZCC (05/20) – Settlement reached in equine air freight price-fixing proceeding, NZCC (29/07/20)

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	<p>significantly alter the competitive dynamics of the market permanently, or for a substantial period, if the application is later declined. The NZCC aims to make a determination within 20 working days of receipt of an application or, if it is satisfied there is good reason, as soon as possible. The NZCC may also impose behavioural commitments and/or reporting and monitoring obligations.</p> <ul style="list-style-type: none"> – The NZCC has agreed to forgo a fine on a horse transportation company for price fixing due to the impact of Covid-19 on the firm's business. The authority instead sought (and was granted) a declaration from the court that the company breached antitrust rules. 	
<p>Pakistan Competition Commission of Pakistan (CCP)</p>	<ul style="list-style-type: none"> – The body responsible for monitoring prices in Pakistan (National Price Monitoring Committee) has asked the CCP to assist in fighting against anti-competitive prices charged for the supply of essential food supplies, according to press reports. – The CCP has launched an investigation into potential anti-competitive practices surrounding a recent shortage of petroleum products at a time when the Government had reduced prices as a result of low demand due to the Covid-19 pandemic. Pakistan's Oil and Gas Regulatory Authority has subsequently warned oil marketing companies over apparent collusive conduct to sell high octane blending component at high prices. 	<ul style="list-style-type: none"> – Competition Commission of Pakistan support sought to check anti-competitive practices, Dawn press report (21/05/20) – @CCP_Pakistan tweet, CCP (04/06/20) – Pakistan competition authority initiates probe into fuel shortage, PaRR (05/06/20) – Pakistan's oil and gas regulator warns against alleged cartel conduct amid high prices, PaRR (08/06/20)
<p>The Philippines Philippine Competition Commission (PCC) Philippine National Bureau of Investigation (PNBI)</p>	<ul style="list-style-type: none"> – According to comments by Undersecretary Mark Perete of the Department of Justice, the PNBI is reviewing reported cases of anti-competitive conduct during the Covid-19 pandemic. Perete is also expecting there to be an influx of cartel cases in the future, particularly in relation to Covid-19, and has warned that the Department of Justice-Office for Competition currently lacks the resources and staff to handle the increase. – Undersecretary Perete has stated that the PNBI has expanded its examination of potential competition law violations beyond anti-competitive agreements to other forms of conduct, including possible abuse of dominance alongside PCC which Perete noted was in a 	<ul style="list-style-type: none"> – PaRR report on comments by Mark Perete and Orlando Polinar (13/05/20) – PaRR report on comments by Arsenio M. Balisacan (20/05/20) – Philippines to investigate government purchase of COVID-19 test kits, antitrust chair says, PaRR (01/06/20) – Philippine investigative bureau expands cartel probes during COVID-19 lockdown to include other market misconduct, PaRR (22/06/20)

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	<p>“better position to determine dominant entities and whether there is an abuse of that position”.</p> <ul style="list-style-type: none"> – The PCC has launched a Covid-19 enforcement webpage, which includes a complaints portal to guide the public on reporting anti-competitive behaviour. It plans to public generic enforcement advisories designed to address frequently received complaints, as well as advisory letters sent to certain entities. – Director of the PCC's Enforcement Office Orland Polinar has noted that the agency has been progressing investigations and has sent out requests for information from parties and government agencies but did not indicate whether the PCC is actively investigating infringements related to Covid-19. He later stated that the PCC plans to dedicate more resources and prioritise cases involving firms exploiting the pandemic, as the economy's reopening raises the rise of increased anti-competitive conduct. – PCC Chairman Arsenio M. Balisacan has warned local governments that the imposition of price ceilings for essential goods might deter new entry and serve as "reference points for collusion, even after the lifting of price controls". He also cautioned that temporary cooperation agreements designed to address shortage of supply could increase the number of contacts between competitors and make it easier for companies to engage in cartel activity in the future. – In a public statement addressing its response to the Covid-19 pandemic, the PCC has noted that it is intensifying enforcement activities to monitor the market for anti-competitive agreements and abusive practices that harm the Filipino people. – Chairman Balisacan has also stated that PCC will investigate potential anti-competitive conduct in the purchase of PPE and laboratory equipment by the country's Department of Health. This review would be a parallel investigation to one being conducted by PNBI into price gouging. – The PCC is investigating a potential abuse of dominance in the internet sector and another instance of anti-competitive conduct 	<ul style="list-style-type: none"> – Philippine's DoJ lacks prosecutors to target COVID-19 cartels, official says, PaRR (02/07/20) – Philippine antitrust regulator to prioritize Covid-19 cases, opens new complaint portal, Mlex (02/07/20) – PCC Covid-19 Resources, PCC website – Philippine antitrust agency opens two formal investigation related to COVID-19 pandemic – GCR Interactive, PaRR (04/09/20) – Press Statement: PCC M&A Review Moratorium in the Bayanihan 2 Act, PCC (14/09/20)

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	<p>related to the supply of essential goods. Both investigations are connected to the country's nationwide lockdown although the PCC has not provided further detail.</p>	
<p>Singapore Competition and Consumer Commission of Singapore (CCCS)</p>	<ul style="list-style-type: none"> – CCCS has issued guidance on collaboration between competitors in relation to the supply of essential goods and services. For a temporary period, CCCS will assume that collaborations which sustain or improve the supply of essential goods or services in Singapore, which are limited in scope and time and which do not involve price-fixing, bid-rigging, market sharing or output limitation, are likely to generate net economic benefits and therefore are unlikely to infringe the antitrust rules. It will generally not investigate these arrangements. The guidance applies to collaborations put into place from 1 February 2020 and which will expire by 31 July 2021. Businesses are encouraged to self-assess but can contact the CCCS for clarification. – According to press reports, CCCS is looking into the private retail lease market following complaints by mall tenants of an imbalance in bargaining power with landlords and unfair clauses in tenancy agreements which has seen them shoulder a large part of the financial burden imposed by the Covid-19 pandemic. CCCS has issued a survey to collate feedback from tenants on market competitiveness and lease terms. – The Ministry of Trade and Industry (supported by CCCS) cited the Covid-19 pandemic as the reason for the one year extension of the Block Exemption for Liner Shipping agreements (but note that this block exemption has been in place and periodically renewed since 2006). The block exemption exempts certain types of liner shipping agreements from the prohibition against anti-competitive agreements, if certain conditions and obligations are met. 	<ul style="list-style-type: none"> – A&O Singapore (23/03/20) – <i>Competition watchdog studying private retail lease market amid tenant complaints</i>, Straits Times (12/05/20) – <i>CCCS Issues Guidance Note on Collaborations between Competitors in Response to the COVID-19 Pandemic</i>, CCCS (20/07/20) – <i>Block exemption order for liner shipping agreements extended for one year until 31 December 2021</i>, Ministry of Trade and Industry (26/08/2020)
<p>South Korea Korea Fair Trade Commission (KFTC)</p>	<ul style="list-style-type: none"> – KFTC Chairwoman Joh Sung-wook warned business leaders at an event that companies involved in cartels or other serious antitrust infringements should not expect the authority to take a more lax approach to enforcement due to the Covid-19 pandemic. 	<ul style="list-style-type: none"> – Mlex report on comments by Joh Sung-wook at a meeting of the European Chamber of Commerce in Seoul (29/05/20)

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Taiwan, China Taiwan Fair Trade Commission (TFTC)	– TFTC has been investigating deliberate stocking and joint price hiking during the Covid-19 crisis.	– Yangming Law (local counsel) (23/03/20)
Thailand Office of Trade Competition Commission (OTCC)	– The OTCC has accelerated an investigation into the food delivery sector following ongoing monitoring of the sector. It had previously warned, on 1 April 2020, that it was investigating increased service fees during the Covid-19 pandemic. Thailand's cabinet has subsequently passed measures to monitor the sector and impose price controls with effect from 4 July 2020 (with a review to be conducted after a year). The OTCC has prepared draft guidelines for the sector which they intend to discuss with the companies involved. The companies have also been invited to attend a public hearing on 11 September 2020.	– Thai competition agency collecting data on food ordering apps amid COVID-19, PaRR (06/04/20) – Thailand probes food delivery sector, GCR (19/04/20) – Thailand to regulate online and food delivery services , Reuters (30/06/20) – Thai antitrust regulator drafts guidelines to regulate online food delivery services, Mlex (13/08/20)
Vietnam Vietnam Competition and Consumer Authority (VCCA)	– Police in Vietnam have arrested seven individuals over alleged bid rigging practices in relation to the supply of Covid-19 testing machines.	– Vietnam makes arrests over alleged price-rigging for Covid-19 testing machines, Mlex (23/04/20)
Middle East & Africa		
African Competition Forum (ACF)	– In May 2020, the ACF hosted a closed online webinar involving 81 participants including authorities from Kenya, Mauritius, South Africa, Botswana, Angola, Eswatini, The Gambia, Madagascar, Zimbabwe, UK, USA, Zambia as well as regional bodies including ECOWAS and COMESA and international organisations such as the OECD and ICN. The webinar focused on (i) the role that African competition authorities should play in responding to the Covid-19 pandemic, (ii) the gearing up of internal resources to meet such challenges, (iii) economic theories arising from the Covid-19 pandemic, (iv) whether existing laws were fit for purpose and (v) developments after the pandemic.	– @CompComSA tweet , CompCom (19/05/20)
Egypt	– The ECA has indicated that it is willing to consider granting informal advice to parties and their advisers as to whether cooperation in the	– Statement , ECA (09/04/20)

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Egyptian Competition Authority (ECA)	<p>context of the Covid-19 pandemic may benefit from existing exemptions under Egypt's antitrust law. The ECA has set up a dedicated mailbox for receiving such enquiries. It has also reiterated that it will take action against parties using the crisis to engage in anti-competitive practices.</p> <ul style="list-style-type: none"> – The ECA has warned dominant firms not to engage in abusive practices, including refusals to supply, produce or distribute goods or services to or for other market participants during the Covid-19 pandemic. 	<ul style="list-style-type: none"> – Egyptian authority warns dominant businesses against 'refusal to deal' during COVID-19, PaRR (17/04/20)
Israel Israeli Competition Authority (ICA)	<ul style="list-style-type: none"> – 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. – ICA Director-General Michal Halperin has said that the authority is willing to extend guidance allowing companies to collaborate during the pandemic should there be a second wave in Israel. This would include, for example, retailers being able to jointly negotiate with the Government in relation to store closures (as certain retailers already have) but would not extend to any other form of cartel behaviour (such as coordination over rental payments or on worker's pay). – The ICA is investigating whether or not the activities of a newly-formed trade association for fashion and commercial chains has breached the country's antitrust laws. 200 chains joined an agreement not to open stores in protest at a lack of competition and continuing restrictions imposed as a result of the Covid-19 pandemic. 	<ul style="list-style-type: none"> – Herzog Fox & Neeman (local counsel) (18/03/20) – <i>Antitrust regulator probes retail chain protest association</i>, Globes (26/04/20) – Israeli tolerance for COVID cooperation depends on second spike – Chief, PaRR (04/06/20)
Kenya Competition Authority of Kenya (CAK)	<ul style="list-style-type: none"> – 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. – 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. 	<ul style="list-style-type: none"> – PaRR report on emailed statement from CAK (13/03/20) – PaRR report on emailed statement from CAK (20/03/20)

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Kuwait Competition Protection Agency (CPA)	<ul style="list-style-type: none"> – The CPA has noticed that certain providers of essential services (which were allowed to continue operating during the lockdown) have increased prices and imposed high minimum order requirements on consumers. It has made recommendations that these firms are more tightly regulated. 	<ul style="list-style-type: none"> – Kuwait agency spote price hike in essential services during Covid-19 – West Asia webinar, PaRR (17/07/20)
Malawi Competition and Fair Trading Commission (CFTC)	<ul style="list-style-type: none"> – CFTC orders eleven pharmacies to stop excessive pricing of hand sanitisers, face masks and gloves. – CFTC is investigating reports that certain independent schools are engaged in discussions with each other and sharing information about the level of school fees to be applied for Online Learning Programmes (such programmes having been introduced in the context of distance learning for the pandemic). CFTC has made clear that these practices constitute collusive behaviour. – CFTC has fined eight pharmacies a total of MW4.75m for charging excessive prices for goods including face masks, hand sanitisers and gloves. – CFTC has warned bus and minibus operators against taking advantage of the Covid-19 pandemic after a market surveillance and price monitoring exercise jointly carried out by the CFTC and the Ministry of Transport and Public Works discovered that bus fares had increased by unreasonably high margins ranging from 40% to 200%. 	<ul style="list-style-type: none"> – @CFTCMalawi tweet, CFTC (23/03/20) – Suspected Collusive Practices and Unconscionable Conduct by Independent Schools, CFTC (04/05/20) – Recent decisions by the Board of Commissioners of the CFTC, CFTC (26/05/20) – Excessive pricing of bus services due to Covid 19 and enforcement of bus fare tables, CFTC (12/06/20)
Mauritius Competition Commission of Mauritius (CCM)	<ul style="list-style-type: none"> – CCM has warned suppliers about engaging in anti-competitive conduct during the Covid-19 pandemic but also assures businesses that it will not unduly constrain or impede necessary and critical cooperation. – CCM has launched a temporary programme to give businesses guidance on their proposed Covid-19 related collaborations with competitors on a fast-track basis (within 21 working days). The Executive Director will provide non-binding guidance as to whether the proposed collaboration may be pursued or is likely to be contrary to the prohibition on cartels. According to CCM, the main conditions for approval are that the collaboration must be in response to Covid- 	<ul style="list-style-type: none"> – Mauritian agency warns against infringements during COVID-19, PaRR (19/04/20) – Guidance to business on potential collaboration (between competitors) in the wake of the Covid-19 crisis, CCM (08/07/20)

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	<p>19 and must not yet have been implemented. There is an application form on the CCM's website.</p>	
<p>Morocco Competition Council (CC) Ministry of Trade and Industry (MTI)</p>	<ul style="list-style-type: none"> The CC issued an opinion on 16 March 2020 following a request by the Government in relation to the price of face masks and sanitising gel. In the opinion, the CC stressed that it is of utmost importance to ensure that face masks and sanitising gel remain available at competitive prices. Subsequently, the Government issued a decree (No. 2-19-956) on 16 March 2020 in relation to the maximum price of sanitising gel. MTI issued an initial order No. 1020-20 on 31 March 2020 setting the maximum price of surgical face masks (approx. EUR0.2 per mask), such order being subsequently amended by order No. 1057-20 of 6 April 2020 setting a lower price (approx. EUR0.08 per mask). 	<ul style="list-style-type: none"> A&O Casablanca Opinion No. 2/R/2020 (in Arabic), CC (16/03/20) Decree No. 2-19-956 (in Arabic), Government (16/03/20) Order No. 1020-20 (in Arabic), MTI (31/03/20) Order No. 1057-20 (in Arabic), MTI (06/04/20)
<p>Namibia Namibian Competition Commission (NaCC)</p>	<ul style="list-style-type: none"> 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. It has set up a dedicated team to prioritise complaints relating to essential healthcare and hygiene products. The NaCC also notes it is in discussion with the Government to ensure that antitrust 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. The NaCC has published an update on price exploitation complaints it has received during the Covid-19 pandemic, noting that its price movement analysis has shown clear evidence of price increases between 14% - 1000% on certain products, primarily food and basic consumer goods, during the period April-May 2020. The authority notes that it is considering amendments to Namibia's antitrust legislation to include greater powers to prosecute price gouging practices. 	<ul style="list-style-type: none"> @CompCo_Nam tweet, NaCC (24/03/20) Update on Consumer Price Exploitation Complaints, NaCC (18/05/20)
<p>Nigeria</p>	<ul style="list-style-type: none"> FCCPC has published a framework to exempt a category of agreements and practices between undertakings from the application 	<ul style="list-style-type: none"> Press release, FCCPC (23/03/20)

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Federal Competition and Consumer Protection Commission (FCCPC)	<p>of Nigeria's antitrust laws. Such permitted practices include: cooperation on the supply and distribution of essential products and services; cooperation in the health and relief sectors facilitated by trade associations; and putting in place temporary and proportionate measures which are encouraged and/or coordinated by a public authority to adapt production, stock management and, potentially, distribution in the health sector.</p> <ul style="list-style-type: none"> – FCCPC Director General Babatunde Irukera has stated at a conference that the authority has formed a special investigative unit to deal with complaints and monitor markets in relation to practices such as price increases for essential products. – Speaking at an online webinar Director General Irukera noted that FCCPC had opened a large scale investigation into the staple foods sector in relation to "correlated conduct" and price gouging in connection with recent M&A activity in the sector. – FCCPC has warned suppliers, retailers and online shopping platforms from arbitrarily increasing prices of critical hygiene products. – FCCPC has begun court proceedings against four supermarkets for alleged collusion in the price of sanitary supplies, including hand sanitiser and disinfectant, also alleging that the products were being sold at "unjust" prices. – FCCPC has opened an investigation into the flour sector for excessive pricing following complaints received from a bakery association. 	<ul style="list-style-type: none"> – <i>Coronavirus: Nigerian govt sues H-Medix, Faxx Stores, others over hike in prices of sanitizers</i>, Premium Times (30/03/20) – <i>Business guidance relating to Covid-19 on business co-operation/collaboration and certain consumer rights under the Federal Competition and Consumer Protection Act (FCCPA)</i>, FCCPC (04/20) – PaRR report on comments by Babatunde Irukera at UNCTAD conference (29/04/20) – PaRR report on comments by Babatunde Irukera at a webinar organised by the Nigerian Bar Association (07/05/20) – Nigeria opens excessive-pricing investigation, GCR (07/07/20)
South Africa Competition Commission of South Africa (CompCom)	<ul style="list-style-type: none"> – 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. Specifically, the Government has published block exemptions for: 	<ul style="list-style-type: none"> – <i>Covid-19 block exemption for the Healthcare Sector, 2020</i>, Government (19/03/20) – South Africa exempts some hotel, retailer agreements during pandemic, PaRR (31/03/20) – <i>@CompComSA tweet</i>, CompCom (31/03/20)

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	<p>(i) The hotel sector, exempting certain agreements including cost reductions and price coordination in relation to persons placed under quarantine as well as the exchange of information in relation to cost and availability.</p> <p>(ii) Agreements between retail property landlords and retail tenants active in the clothing, footwear and home textile sector, personal care sector and restaurants services sector.</p>	<ul style="list-style-type: none"> – Tribunal directive for Covid-19 excessive pricing complaint referrals, Competition Tribunal (06/03/20)
	<ul style="list-style-type: none"> – The Competition Tribunal has stated that it will resolve Covid-19-related excessive pricing complaints on an urgent/expedited basis. 	<ul style="list-style-type: none"> – South African agency starts first COVID-19 prosecution for face mask pricing, PaRR (15/04/20)
	<ul style="list-style-type: none"> – The Competition Tribunal has approved over 30 consent agreements with various retailers (pharmacies, hardware stores, supermarkets and grocery stores) and distributors in relation to the charging of excessive prices for, eg, surgical gloves, hand sanitisers, face masks, face shields and essential foods. In addition to admitting liability and agreeing to immediately desist the conduct, as part of the consent agreements the companies have agreed to donate supplies to local institutions (eg, care homes and non-profit organisations), make contributions to South Africa’s Covid-19 solidarity fund and also pay administrative penalties (the highest to-date being ZAR5.9m). 	<ul style="list-style-type: none"> – Tribunal approves first consent agreement relating to Covid-19 excessive pricing, Competition Tribunal (20/04/20) – Tribunal approves second consent agreement relating to Covid-19 excessive pricing, Competition Tribunal (24/04/20)
	<p>In one case, involving Babelegi Workwear, a Boksburg supplier of face masks, the Tribunal noted that the administrative penalty imposed exceeded “Babelegi’s improper gains from the excessive pricing conduct and should furthermore act as a deterrent to itself and others to engage in such conduct.”</p>	<ul style="list-style-type: none"> – South African agency settles with COVID-19 essentials distributor for inflating prices, PaRR (30/04/20) – Consent agreement between CompComp and Evergreens Fresh Market (Pty) Ltd, Competition Tribunal (01/05/20)
	<ul style="list-style-type: none"> – Speaking at a UNCTAD webinar, CompCom Deputy Commissioner Hardin Ratshisusu reported that the authority had received over 1,500 complaints from the public in relation to excessive pricing and other anti-competitive conduct during the Covid-19 pandemic. Ratshisusu highlighted the Tribunal’s decision in the Babelegi Workwear case (see above) which he noted was seminal given the Tribunal’s decision to impose fines exceeding the gains made by the supplier. 	<ul style="list-style-type: none"> – @CompComSA tweet, CompCom (06/05/20) – Tribunal approves 5th and 6th consent agreements relating to Covid-19 excessive pricing matters, Competition Tribunal (07/05/20) – Tribunal approves 7th consent agreement relating to Covid-19 excessive pricing matters, Competition Tribunal (07/05/20) – Tribunal confirms four consent agreements relating to Covid-19 excessive pricing complaints, Competition Tribunal (15/05/20) – Tribunal confirms a consent agreement whereby two face mask suppliers jointly pay R1.5m fine, Competition Tribunal (22/05/20)

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
	<ul style="list-style-type: none"> – According to the Head of the CompCom, the authority is set to launch at least ten excessive pricing investigations relating to the supply of essential items to the government during the pandemic. – On 23 July 2020, the head of CompCom participated in a meeting of the BRICS interstate association, issuing a joint statement along with the competition authorities of the other BRICS countries concerning the response to the Covid-19 pandemic (see further <i>Russia</i> above). – CompCom is investigating the prices charged by manufacturers of the generic Remdesivir, used to treat Covid-19 patients. – CompCom has referred its first two cases of excessive pricing in public procurement to the Competition Tribunal – they relate to the supply of PPE to police services at large mark-ups. The Commission notes it is working with other authorities to sift through cases for prioritisation. And it urges suppliers who have charged excessive mark-ups as demonstrated in these two cases to come forward for a quick resolution of the matters and asks public bodies to be cautious in making payments to PPE suppliers while such investigations are continuing. 	<ul style="list-style-type: none"> – Tribunal confirms three consent agreements relating to Covid-19 excessive pricing complaints, Competition Tribunal (26/05/20) – South African agency refers Capri Chem for prosecution over excessive pricing, PaRR (28/05/20) – Tribunal approves two consent agreements relating to Covid-19 excessive pricing matters, Competition Tribunal (02/06/20) – South African authority received over 1,500 COVID-19 complaints, PaRR (03/06/20) – Northern Cape wholesaler admits to excessive pricing of hand sanitisers, agrees to donate sanitisers to four non-profit organisations of its choice, Competition Tribunal (12/06/20) – Tribunal confirms two consent agreements relating to Covid-19 excessive pricing complaints, Competition Tribunal (03/07/20) – Tribunal fines Dis-Chem R1.2 million for excessive pricing of face masks during Covid-19 pandemic, Competition Tribunal (07/07/20) – Tribunal confirms three more consent agreements relating to Covid-19 excessive pricing complaints, Competition Tribunal (09/07/20) – South African tribunal approves retailer COVID-19 excessive pricing settlement, PaRR (29/07/20) – South African authority investigating COVID-19 excessive pricing in government procurement, PaRR (06/08/20)

Jurisdiction/region/antitrust authority	Antitrust statement/development	Source
		<ul style="list-style-type: none"> – South African court permits two excessive pricing settlements, PaRR (07/08/20) – South African agency investigating Remdesivir prices, PaRR (02/09/20) – South African agency prosecutes first COVID-19 public procurement excessive pricing cases, PaRR (04/09/20)
Tanzania Fair Competition Commission (FCC)	<ul style="list-style-type: none"> – The Government has called on the FCC to monitor the pricing of medical and sanitary goods (such as hand sanitiser, disinfectant and protective gear) during the crisis to ensure that prices are kept at reasonable levels. 	<ul style="list-style-type: none"> – Tanzanian authority to monitor prices of essentials during COVID-19, PaRR (27/03/20)
Tunisia Tunisian Competition Council (TCC)	<ul style="list-style-type: none"> – TCC’s second vice president has noted that the agency is preparing for strict enforcement of antitrust rules after the pandemic. It will look in particular at whether there were products which experienced a surge in demand were subject to excessive price increases. 	<ul style="list-style-type: none"> – Tunisian competition counsel readies for enhanced enforcement post COVID-19 – West Asia seminar, PaRR (17/07/20)
Zambia Competition Commission of Zambia (ZCC)	<ul style="list-style-type: none"> – ZCC has warned businesses against excessive pricing of products such as masks, gloves and hand sanitisers. 	<ul style="list-style-type: none"> – @CompComZambia tweet, ZCC (21/03/20)
Zimbabwe Competition Tariff Commission (CTC)	<ul style="list-style-type: none"> – CTC has warned schools against mandating that schools, pupils, parents and guardians must use specific suppliers for the purchase of face masks and hand sanitisers. 	<ul style="list-style-type: none"> – @CTCZimbabwe tweet, ZCC (27/09/20)

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