

DOJ Issues Updated Merger Remedies Manual, Emphasizing a Strong Preference for Structural Remedies

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On September 3, 2020, the U.S. Department of Justice released its updated Merger Remedies Manual. The Manual emphasizes the DOJ's strong preference for "structural" remedies (i.e., divestitures) over "behavioral" or "conduct" remedies to address potential competitive harms that result from either horizontal or vertical mergers. In addition, the Manual stresses the DOJ's commitment to strict implementation of and compliance with agreed-upon remedies. This follows last month's announcement by the DOJ regarding the establishment of the Office of Decree Enforcement and Compliance.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

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