

U.S. and European Union Antitrust Agencies Issue Revised “Best Practices” for Coordinating Merger Reviews

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On October 13, 2011, the Department of Justice, Antitrust Division (“DOJ”), Federal Trade Commission (“FTC”) (together, the “U.S. agencies”) and the Competition Directorate-General of the European Commission (“DG Competition”) issued an updated set of best practices for coordinating merger reviews.

These best practices are intended to facilitate coordination, to the extent consistent with their respective laws and enforcement responsibilities, between the U.S. agencies and DG Competition when they are both reviewing the same merger (when the merger is subject to EU Merger Regulation, but regardless of whether the merger is subject to HSR notification). In such cases, the agencies have a mutual interest in reaching, insofar as possible, consistent, or at least non-conflicting, outcomes concerning both the timing of review and, if applicable, remedies.

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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