

Global Enforcers Acknowledge Need for Competitor Collaboration During COVID-19 Pandemic

March 24, 2020 | Client Update

As the COVID-19 crisis continues to unfold, questions are arising concerning whether and to what extent firms may have greater latitude to collaborate with competitors to address public health and welfare concerns. Today, the US announced antitrust guidance for the COVID-19 pandemic. To facilitate legitimate competitor collaboration, the Antitrust Division of the U.S. Department of Justice and the Federal Trade Commission (collectively, “the Agencies”) will respond to guidance requests within seven calendar days of receiving all necessary information. The Agencies also identified several collaborative activities that are traditionally consistent with the antitrust laws. This follows yesterday’s announcement from the EU, where the European Competition Network said that it “will not actively intervene against necessary and temporary measures put in place in order to avoid a shortage of supply.”

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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