ANTITRUST & COMPETITION

CLIENT ALERT

MARCH/2020>

PROCEDURAL DEADLINES FOR SOME PROCEEDINGS BEFORE THE BRAZILIAN COMPETITION AUTHORITY ARE SUSPENDED, BUT MERGERS REVIEWS CONTINUE TO PROCEED NORMALLY

Since yesterday, March 24, the procedural deadlines for defendants in certain investigations before the Brazilian competition authority (CADE) are suspended. The suspension does not affect the analysis of merger cases.

On March 24, the Provisional Measure n. 928/2020 was published in the Federal Gazette (Diário Oficial da União) and added Article 6-C to Law n. 13,979/2020. Article 6-C provides that the deadlines applicable to all defendants in administrative proceedings are suspended while the country is in the state of public calamity established by Legislative Decree n. 6/2020.

Legislative Decree n. 6/2020 established the state of public calamity resulting from the COVID-19 pandemic until December 31, 2020. The Brazilian National Congress may postpone or reduce this term.

Today, March 25, CADE issued a press release to clarify that the decree suspended all procedural deadlines related to the following proceedings:

- **a)** administrative proceeding to impose administrative sanctions for violations of the economic order;
- **b)** administrative procedure to investigate acts of economic concentration;
- **c)** administrative proceeding to impose sanctions on procedural incidents

CADE also clarified that all other deadlines are not suspended, including those related to merger cases, leniency agreements, cease and desist agreements and other preliminary investigations.

Finally, CADE highlighted that this suspension will not interrupt CADE's internal activities in these proceedings and will only affect deadlines applicable to acts that require actions by the defendants. Similarly, CADE indicated that it is sensible to the difficulties imposed by the current crisis and, therefore, will analyze any other requests for deadline extensions in individual cases.

If you have any doubts, our antitrust team is at your disposal.

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