

FTC, DOJ Temporarily Suspend Early Termination Reviews

Alert

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The Federal Trade Commission, with the support of the Antitrust Division of the U.S. Department of Justice, will suspend the practice of allowing “[early termination](#)” of [antitrust reviews](#). Early termination allows regulators to cut short the review period if they determine a merger is unlikely to raise significant antitrust concerns.

The temporary suspension results from the recent transition to a new administration, and from the unprecedented volume of HSR (Hart-Scott-Rodino Act) filings since the start of the fiscal year. The agencies anticipate that the suspension will be brief. The decision follows a similar temporary suspension instituted in March 2020, when the Premerger Notification Office established its online e-filing system.

The current HSR Premerger Notification Program requires reporting parties to wait 30 days before closing a deal (15 days for a cash tender or bankruptcy transaction). Enforcers may grant early termination for deals unlikely to raise antitrust concerns.

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