



COVID-19 and the Polish competition authority deadlines

The Polish Parliament enacted legislation aimed at mitigating impact of the coronavirus (COVID-19) in Poland. The legislation has been immediately signed by the President and published in the official journal, thus came into force.

The legislation, among others, has an impact on the deadlines in the administrative proceedings, including those before the Polish Competition Authority.

Based on the new law, the statutory **deadlines in all administrative proceedings before the Polish Competition Authority:**

- > **do not start to run** – in case the proceedings opened in course of the state of epidemic threat / state of epidemic (retroactively, proceedings opened after 14 March 2020 when the state of epidemic threat was announced in Poland);
- > **are suspended** – in case of proceedings opened prior to the announcements of the state of epidemic threat / state of epidemic (retroactively, proceedings opened before 14 March 2020 when the state of epidemic threat was announced in Poland);

for indefinite period of time (until the state of epidemic threat / state of epidemic are repealed by the Polish Government).

This is particularly important in case of planned / ongoing merger control proceedings (where the statutory deadlines are of key importance).

As of now the Polish Competition Authority accepts merger control notifications, carries on proceedings and issues decisions (although we observe that proceedings are carried out less efficiently), therefore the new legislation, in practice, means that:

- > **notifications shall still be filed** to the Polish Competition Authority (where the relevant thresholds are met);
- > based on the notification, the Polish Competition Authority will formally **open and carry out merger control proceedings;**
- > **decisions will be issued;**
- > however, the Polish Competition Authority **is not bound by the statutory deadlines** regarding Phase I (one month) and Phase II (additional four months) clearance; this may particularly influence review periods in complicated cases where market analysis is required – due to difficulties in obtaining responses from market participants.

This is something to consider when planning the timeline for merger control filings.