

# FTC Announces Temporary E-Filing Procedures for Hart-Scott-Rodino Filings During COVID-19 Coronavirus Pandemic

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**PRACTICES** Antitrust and Competition, Investment Management, Corporate, Capital Markets and Securities, Mergers and Acquisitions, Private Equity

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Last week, in response to the COVID-19 coronavirus pandemic, the Premerger Notification Office of the Federal Trade Commission (the “PNO”) announced temporary e-filing procedures for the submission of HSR filings and a temporary suspension of early termination requests.

## Key Takeaways:

- As of March 17, 2020, the PNO and the Department of Justice (“DOJ”) will accept only electronic submissions of HSR filings (no paper or DVD filings).
- As of March 13, 2020, the PNO will not grant early termination for any HSR filings made during the use of the temporary e-filing system. As a result, filings will be subject to the normal 30 calendar day (or 15 calendar days in the event of a cash tender offer or Section 363(b) sale) waiting period—subject to extension in the event of a second request.
- E-signatures are acceptable on the certification and affidavit for the duration of this emergency (this is new for HSR filings)
- To submit an HSR filing, parties must email the PNO to request a link to a secure file-transfer platform where the parties will upload the contents of their complete HSR filing. Documents to be uploaded must be searchable PDF or MS Excel files and labeled consistent with the PNO’s format requirements for DVD filings. Parties may only submit one filing per link. Filing fees are currently paid by wire transfer and the procedure for doing so remains unchanged.
- After the resumption of normal agency operations, all filing parties may have to submit hard copies or DVDs of filings made using the temporary e-filing system to both the FTC and DOJ. As a result, parties should retain all records with respect to any HSR filing submitted during this period.
- During this time, the PNO will not be answering the general PNO phone number but will continue to respond to HSR questions via email. If you have questions for the PNO about the rules or how to file, contact [\[email protected\]](#). For questions about a filing, contact [\[email protected\]](#).

If you have any questions, please contact one of the attorneys listed below.