

Best Practices for Merger Investigations Bureau of Competition - August 2015

Since the Commission published the Reforms to the Merger Review Process in 2006,¹ several aspects of the merger review process have evolved. Firms have also become much more sophisticated in the use of electronic discovery and search techniques. These developments and others led the Bureau of Competition to review the Bureau's merger investigation practices. Our review identified practices that promote efficiency and balance the burden of merger investigations with the need for thoroughness. Based on this review, the following guidance provides best practice recommendations for improving the

These guidelines address early voluntary submission of information, withdraws and refiles, timing agreements, negotiating Second Requests, and common presumptions.

1. Early Voluntary Submission of Information

Providing information to staff early is a common best practice. Parties can produce information in addition to the HSR filing during the initial waiting period or even before the filing is made. This information may resolve staff's questions about the transaction during the investigation's preliminary phase,

