

HONG KONG COMPETITION COMMISSION ISSUES GUIDANCE AMID THE CORONAVIRUS OUTBREAK

On 27 March 2020, the Hong Kong Competition Commission (HKCC) issued a statement about the application of the Competition Ordinance (Cap. 619) (the Ordinance) during the COVID-19 outbreak (the Statement). A copy of the Statement has been posted on the HKCC website and can be found [here](#).

HKCC recognises that there might be a need for additional cooperation between businesses in certain industries on a temporary basis, particularly to maintain the supply of essential goods and services to consumers. The Statement highlights certain parts of the HKCC's existing guidelines relating to joint buying or production; joint sales or distribution, and the exchange of information.

Where businesses propose temporary cooperative measures which are genuinely necessitated by the COVID-19 outbreak and in the interests of Hong Kong consumers and society, the HKCC will endeavour to give an initial response within five working days of receiving all necessary information.

Other jurisdictions have issued similar guidance over the last few days. For instance, on 24 March 2020, the US Department of Justice, Antitrust Division and the US Federal Trade Commission issued a [joint statement](#) providing antitrust guidance to businesses collaborating to combat the spread of the coronavirus. On 25 March 2020, the Competition and Markets Authority in the UK issued guidance, recognising that competition law enforcement might impede necessary cooperation between businesses to deal with the current crisis in ensuring security of supplies of essential products and services. On 27 March 2020, the Australian Competition and Consumer Commission published a press release, stating that it will continue to actively engage with governments and businesses about potential authorisations that support coordination between competitors that is ordinarily prohibited but which is necessary and in the public interest at this time.

At the same time, all authorities have made it clear that they will not tolerate conduct which opportunistically seeks to exploit the crisis and will remain vigilant to protect consumers from anti-competitive conduct by businesses that prey on new fears.

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