

## Argentina - Merger control status and statistics - May 2021

04/05/2021

*By Luis Barry, Carolina Abdelnabe Vila, Clara Rodríguez Llanos and Sonia Del Regno (Pérez Alati, Grondona, Benites & Arntsen)*

The current status of the merger control system in Argentina faces possible changes in the near future. Currently, the Argentine Antitrust Law No. 27,442 (“AAL”) is under a post-closing merger control regime. However, the AAL provides for an ex-ante control regime to be implemented a year after the commissioning of the new Antitrust Authority created by said law. This new Authority has not been established yet.

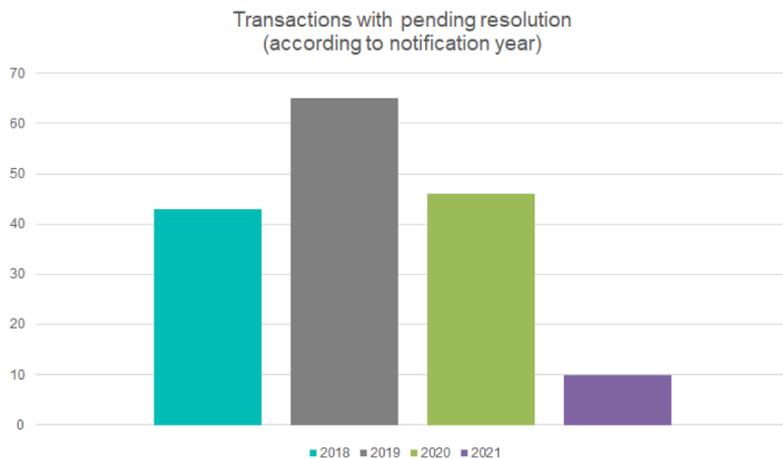
Notwithstanding the above, last December a bill to amend the current AAL has been submitted to Congress. This bill provides for the ex-ante control regime to be implemented sooner, i.e. 90 days after the bill is passed and published. As of today, the proposed amendment has been partially approved by the Senate and awaits to be debated in the Chamber of Representatives.

Since the start of the COVID-19 pandemic, the Argentine Antitrust Commission (for its Spanish acronym, “CNDC”) maintained its activities and established a fully virtual desk to receive third party claims for possible infringements to the AAL. In addition, it allowed to notify transactions and submit requests for consultative opinions through an online platform called “*Trámites a Distancia*” or “TAD”. This system is still in place and it is likely to become permanent.

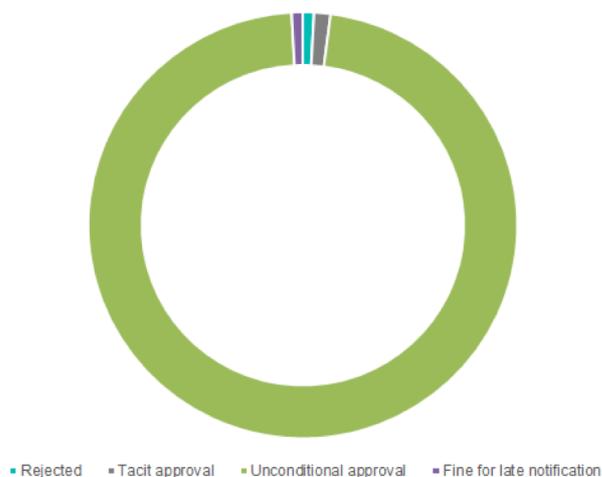
However, due to the crisis originated by the pandemic, from March 19th to October 25th, 2020 the procedural terms established in the AAL were suspended. This considerably slowed all pending proceedings. The quantity of new transactions notified with the CNDC also diminished as compared with previous years, although this is probably due to the economic context.

Up until now, the information published by the CNDC shows the following statistics:





Notified transactions 2018-2021 (241)



As these statistics show, the CNDC's activity decreased considerably in 2020 but has now resumed its relatively normal pace.

It is expected that it continues this way inasmuch as the procedural terms are not affected again in the course of this year.