

FTC Approves Updated Hart-Scott-Rodino Rules

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On August 26, 2016 the Federal Trade Commission published amendments to the Hart-Scott-Rodino ("HSR") Premerger Notification Rules, which streamline the instructions to the HSR form and make it easier for parties to file. The amended rules, which went into effect on September 1, 2016, now allow parties to submit the HSR form and all accompanying documents on digital video / versatile disc ("DVD"). By allowing DVD submissions and eliminating the need to submit multiple hard copies of each filing to the FTC and Department of Justice, the amended rules create a more efficient and cost-effective means of completing HSR filings. The Commission will continue to accept paper filings, but will not accept filings submitted partially on DVD and partially on paper.

When submitting a DVD filing, the filing party must:

1. Provide the FTC with two (2) DVDs, each containing the Form, affidavit, certification, and all documentary attachments, AND the original hard copies of the cover letter, certification, and affidavit.
2. Provide the DOJ with two (2) DVDs, each containing the same content submitted to the FTC, AND three (3) hard copies of the cover letter.

The amended rules also include minor non-substantive updates to the HSR Form instructions intended to eliminate confusion for filing parties by clarifying and simplifying the language of the instructions. Hughes Hubbard's Antitrust & Competition Practice Group has extensive experience with HSR filings and would be pleased to provide guidance and assistance in interpreting and implementing the new rules.

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