

FTC Raising Civil Penalty to \$40,000 per Day for Violations of Premerger Filing Obligations under the HSR Act

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The Federal Trade Commission (“FTC”) will raise the maximum civil penalty amount for violations of premerger filing notification requirements under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended (“HSR Act”) to \$40,000 per day from \$16,000 per day of the violation, effective August 1, 2016. The FTC last adjusted these penalties effective in January 2009. The FTC implemented this increase as required by the Federal Civil Penalty Inflation Adjustment Act Improvements Act of 2015 (“Adjustment Improvements Act”), which requires federal agencies to implement a “catch-up adjustment” in 2016 to account for inflation since the civil penalties within their jurisdiction were last set or adjusted. After this initial adjustment, the Adjustment Improvements Act directs the FTC and other agencies to adjust their civil penalties for inflation each following year in January. The FTC will also raise the civil penalties for violations of 15 other provisions.