

Statement of Issues

Verifone / Smartpay

9 April 2020

Introduction

1. On 31 January 2020, the Commerce Commission registered an application (the Application) from Verifone New Zealand (Verifone) to acquire the assets used by Smartpay Holdings Limited (and its subsidiaries) to operate the Smartpay business in New Zealand (Smartpay) (the Proposed Acquisition).¹
2. We have been unable to reach a decision on the Application within the initial 40 working day statutory timeframe provided under the Commerce Act 1986 (the Act).
3. This Statement of Issues (Sol) sets out our concerns about the potential competition issues we have identified following our initial investigation so that Verifone and Smartpay (the Parties) and interested parties can provide us with submissions relating to those concerns. This Sol has a confidential attachment which contains material and issues confidential to the Applicant.
4. In reaching the preliminary views set out in this Sol, we have considered information provided to date by the Parties and other industry participants. We have not yet made any final decisions on the issues outlined below (or any other issues) and our views may change, and new competition issues may arise, as the investigation continues.

The concerns we are testing

5. We are still to conclude on the relevant markets. However, at this stage we are testing whether the Proposed Acquisition would substantially lessen competition due to:
 - 5.1 unilateral effects for the supply of terminals to small and medium-sized enterprises (SMEs); and
 - 5.2 vertical effects due to the ability and incentive to foreclose [].

¹ A public version of the Application is available on our website at: <https://comcom.govt.nz/case-register/case-register-entries/verifone-new-zealand-smartpay-holdings-limited>.

6. In addition, we are continuing to consider whether [] may substantially lessen competition by [].
7. At this time, we are not investigating further and do not require any further information from the Parties or interested parties in respect of:
- 7.1 unilateral effects at the importation level, wholesale level, and retail/resale level to enterprise and commercial merchants;
 - 7.2 coordinated effects at any level;
 - 7.3 vertical effects on resellers; and
 - 7.4 conglomerate effects.

Process and timeline

8. We have agreed with the Parties an extension of time until 15 May 2020 in which to make a decision.
9. The Commission would like to receive submissions and supporting evidence from the Parties and other interested parties on the issues raised in this Sol. We request responses by close of business on 28 April 2020, including a public version of any submission. Where relevant, submissions should take into account the potential impact of COVID-19.
10. All submissions received will be published on our website with appropriate redactions.² Parties will have the opportunity to cross-submit on the public versions of submissions from other parties by close of business on 5 May 2020.
11. The Commission acknowledges that some interested parties may face a range of challenges during New Zealand's COVID-19 situation. This may impact their ability to submit in a meaningful way within these timeframes. If you would like to make a submission but face difficulties in doing so within the timeframe, please ensure that you register your interest with the Commission at registrar@comcom.govt.nz so that we can work with you to accommodate your needs where possible.

Background to industry

Electronic payments

12. The Parties to the Proposed Acquisition (among other things) supply "terminals" to merchants that are used to accept card present electronic payments. The merchants

² Confidential information must be clearly marked (by highlighting the information and enclosing it in square brackets). Submitters must also provide a public version of their submission with confidential material redacted. At the same time, a schedule must be provided which sets out each of the pieces of information over which confidentiality is claimed and the reasons why the information is confidential (preferably with reference to the Official Information Act 1982).

that use the terminals operate physical retail stores who take payments from consumers buying goods and services.

13. To process electronic payments, the terminal must be connected to a “switch” which routes the transaction to the relevant financial institution. Paymark and Verifone operate the two main switches in New Zealand for card present transactions.
14. The main players in the terminal supply chain are:
 - 14.1 global terminal suppliers that manufacture and supply terminals;
 - 14.2 terminal vendors in New Zealand that import terminals and develop them to:
 - 14.2.1 enable them to meet the requirements of the switch that will process the transaction; and
 - 14.2.2 add features and functionality;
 - 14.3 terminal retailers and resellers that sell the terminals to merchants.

Merchants

15. Merchants that use terminals vary in both the size of their operations and the complexity of their needs. For the purposes of our analysis we have used categories similar to those identified in the Application:³
 - 15.1 Tier 1 (enterprise) – over 100 terminals, eg, a supermarket chain;
 - 15.2 Tier 2 (commercial) – 10-100 terminals, eg, a retail group; and
 - 15.3 SMEs – 1-10 terminals, eg, small shops.
16. The size of the merchant tends to affect their requirements for terminal functionality.
 - 16.1 Smaller merchants tend to have the most basic requirements. The merchant might only have a single location and only require the basic function of accepting electronic payments. The terminal is likely to be “standalone”. That is, the terminal is not connected to the point of sale system (POS) and the merchant must manually enter the value of the payment both into the terminal and the POS.
 - 16.2 Larger merchants tend to have more complex requirements. The merchant might have multiple locations which require different types of terminals. The merchant may wish to have their terminals integrated into their POS and accounting systems so that the value of the payment is automatically delivered to the terminal when it is rung up on the POS. The benefits of

³ The Application at [55]. One difference is that the Application identified “micro” merchants. However, the figures that firms gave us did not distinguish between these merchants and SMEs so we have combined them.

integration include that it minimises the time to serve a customer, avoids errors that can occur from entering the value twice and helps with reporting. The merchant may also want bespoke services such as the ability to accept its own loyalty cards.

The Parties⁴

17. Verifone is a global supplier of terminal and payment processing solutions. Within New Zealand it provides the following services:
 - 17.1 Payment processing – Verifone operates a switch which it uses to process electronic payment transactions. It is not able to process all types of payments and has an agreement with Paymark to process those transactions it cannot process, known as the Wholesale Agreement (WSA).
 - 17.2 Terminal vendor - Verifone imports its own branded terminals and then wholesales these to resellers. Verifone supplies resellers terminals both for use on Paymark’s switch as well as its own switch.
 - 17.3 Terminal retailer - Verifone’s subsidiary Eftpos New Zealand Limited supplies terminals directly to merchants under the EFTPOS New Zealand brand (ENZ). ENZ supplies to merchants of all sizes. (For ease, we only refer to Verifone in the remainder of the document.)
18. Smartpay is a vendor and retailer of terminals to merchants in New Zealand and Australia. Smartpay imports PAX branded terminals. It makes these terminals compliant for use on the Paymark switch and adds software that provides more functionality. Smartpay then sells these terminals to merchants under the Smartpay brand. Smartpay supplies some terminals to resellers.
19. Smartpay also operates the following businesses in New Zealand:
 - 19.1 Retail Radio, which provides in-store audio and video to merchants; and
 - 19.2 Alipay/WeChat acquiring services which allow merchants to accept Alipay and WeChat payments on their terminals.

The relevant markets

20. We define markets in the way that we consider best isolates the key competition issues that arise from a merger. In many cases this may not require us to precisely define the boundaries of a market. What matters is that we consider all relevant competitive constraints, and the extent of those constraints. For that reason, we also consider products and services that fall outside the market, but which would still impose some degree of competitive constraint on the merged entity.

⁴ The Application at 10-13.

21. Verifone submitted that the following markets apply to our consideration of the Application:⁵
- 21.1 the national market for the retail supply of terminals in New Zealand (although noting that terminals are facing greater competition from other emerging payment solutions); and,
 - 21.2 the national market for terminal wholesaling (although noting that Smartpay does not operate at this level).
22. In Ingenico/Paymark we found that the relevant markets were those for:⁶
- 22.1 switching services, separate national markets for switch-to-issuer (S2I) and switch-to-acquirer (S2A) transactions;⁷ and,
 - 22.2 terminals, national markets for:
 - 22.2.1 the wholesale supply of terminals; and,
 - 22.2.2 the resale (retailing) of terminals.
23. For the purposes of assessing the Proposed Acquisition we consider that the relevant markets are:
- 23.1 national markets for switching services, separated into markets for switch-to-issuer S2I and switch-to-acquirer S2A transactions;
 - 23.2 an upstream (functional) market for the supply of terminals by global terminal manufacturers to terminal vendors in New Zealand, which we refer to as the “importation” market;
 - 23.3 a national market for the wholesale supply of terminals to resellers; and,
 - 23.4 two national markets at the retail/resale level for supply of terminals to:
 - 23.4.1 larger (enterprise and commercial) merchants; and
 - 23.4.2 SME merchants.
24. The evidence we have obtained indicates that, although there is some overlap, the set of suppliers that supply enterprise and commercial customers differs from that which supply SMEs. For instance, Skyzer and Windcave may predominantly target larger customers whereas Smartpay and resellers typically target SMEs. Additionally, larger customers are more likely to use competitive tenders and/or directly negotiate bespoke arrangements, which is uncommon in the case of SMEs. We

⁵ The Application at 13.

⁶ *Ingenico/Paymark* at 26-31.

⁷ S2I transactions include Eftpos transactions, scheme debit where the card is swiped or inserted, and loyalty cards. S2I transactions include scheme debit where the card is tapped and credit cards.

consider this indicates competition for these types of customers should be considered separately.

25. Regarding the geographic scope of the retail terminal markets, Verifone submitted that although some of Verifone's and Smartpay's competitors operate on a more regional basis (resellers), retailers based in certain regions can easily supply customers outside of these regions.⁸ The evidence we have obtained supports Verifone's submission. Consequently, we consider that the appropriate geographic scope of the relevant markets outlined above is national, and wider for the importation market.

The factual and counterfactual

26. Assessing whether a substantial lessening of competition is likely requires us to compare the likely state of competition if the Proposed Acquisition proceeds (the scenario with the acquisition, often referred to as the factual) with the likely state of competition if it does not (the scenario without the acquisition, often referred to as the counterfactual) and to determine whether competition is likely to be substantially lessened by comparing those scenarios.
27. Verifone submitted that, if the Proposed Acquisition does not proceed, the Parties would likely continue to supply terminals as separate entities (ie, that the counterfactual is the status quo).⁹ At this stage we consider that the likely counterfactual is the status quo.
28. Verifone submitted that the Proposed Acquisition includes:
- 28.1 [
- 28.2
-]
29. We take both of these matters into consideration, as part of the factual, in assessing the impact of the Proposed Acquisition on competition in New Zealand markets.
[]

Unilateral effects

30. Unilateral effects arise when a firm merges with or acquires a competitor that would otherwise provide a significant competitive constraint (particularly relative to

⁸ The Application at [52(b)].

⁹ The Application at [24].

remaining competitors) such that a market participant can profitably increase prices above the level that would prevail without the merger (and/or reduce quality).

31. We have considered unilateral effects in the following markets:

31.1 importation;

31.2 wholesale; and

31.3 retail/resale.

Importation market

32. At the importation level, vendors purchase terminals in a global market. Vendors that are also terminal manufacturers, such as Verifone, import their own terminals. The vendors then develop the terminal to be suitable to process transactions in New Zealand.

33. There will be no aggregation in the importation market as a result of the Proposed Acquisition because Smartpay does not own the PAX brand but imports PAX-branded terminals. The Proposed Acquisition may result in the PAX brand leaving the New Zealand market. For example, Verifone may switch the Smartpay merchants it acquires to Verifone terminals. If so, it may be difficult for the PAX brand to return to the market, given the fixed costs involved in certifying the terminal for use on a switch.

34. Despite this, we understand that the physical terminals supplied to New Zealand arrive in a reasonably basic, or generic, form. Most features and functionality are added at the vendor level, via software and certification. As such, we do not consider the loss of the PAX brand (alone) is likely to adversely affect competition. We also consider that Ingenico would continue to provide a competitive constraint on Verifone at this level.

35. For these reasons we are no longer considering the impact of the Proposed Acquisition at the importation level. We however consider the loss of the PAX brand (more specifically, the different choice that Smartpay offers merchants) in the downstream markets.

Wholesale market

36. In the wholesale market, vendors supply terminals that are ready for use to resellers. These resellers in turn supply the terminals to merchants.

37. In the wholesale market the two main suppliers are:

37.1 Verifone supplying Verifone terminals for use on the Paymark and Verifone switches; and

37.2 Skyzer supplying Ingenico terminals for use on the Paymark switch.

38. Smartpay supplies a small number of terminals in the wholesale market. We have assessed whether Smartpay would provide a constraint as a potential competitor in the wholesale market absent the transaction, and whether it may have been planning to compete more aggressively in future. We identified little evidence to support these propositions. Although some resellers said they had been approached by Smartpay in the past, the resellers advised:
- 38.1 their requirements were satisfied by the options offered by Ingenico and Verifone; and
 - 38.2 it would be costly to carry another brand of terminals.
39. For these reasons we are no longer considering the impact of the Proposed Acquisition at the wholesale level.

Retail and resale to enterprise and commercial merchants

40. Verifone and Smartpay are both current suppliers to enterprise and commercial merchants. The Proposed Acquisition would result in overlap in this market. However, we do not consider there will be a substantial lessening of competition for these merchants due to unilateral effects.
41. The main competitors for enterprise and commercial merchants appear to be Verifone, Windcave and Skyzer. Although Smartpay has been a competitor for these merchants in the past and continues to serve some enterprise and commercial merchants, it no longer appears to be a strong competitor in this market. This is based on the following evidence:
- 41.1 [];
10
 - 41.2 two merchants we spoke to, which had recently conducted tender processes, did not express concerns about the loss of Smartpay in the market (two other merchants did express general concerns but had not recently tested the market and so were unaware of their options); and
 - 41.3 market participants that we spoke to said Smartpay is not a strong competitor for these merchants.
42. For these reasons we are no longer considering the impact of the Proposed Acquisition in respect of enterprise and commercial merchants.

Retail and resale to SME merchants

43. Verifone and Smartpay are both current suppliers to SME merchants. The Proposed Acquisition would result in overlap in this market. We are still considering whether

¹⁰ See for example [

].

there will be a substantial lessening of competition for these merchants due to unilateral effects.

Closeness of competition

44. The evidence we have is that Verifone and Smartpay are strong and close competitors for SME merchants.¹¹ For example:
- 44.1 [];¹²
- 44.2 Some market participants we spoke to identified Verifone and Smartpay as the most aggressive players in the market;¹³ and
- 44.3 Verifone and Smartpay are likely to have moderate-to-high shares in the SME market, with the remainder of the market fragmented between many smaller players.
45. This competition between Verifone and Smartpay would be lost as a result of the Proposed Acquisition. Aside from price competition, merchants may also be harmed if the Proposed Acquisition reduces the degree of variety in offers. We understand that the terminal vendors seek to differentiate their product to appeal to different types of customers. For example, Verifone offers features that appeal to the hospitality industry, while Smartpay offers features that appeal to taxi drivers. A reduction in choice is a factor that could contribute to a substantial lessening of competition in this market.
46. As the Proposed Acquisition would result in a loss of competition between Verifone and Smartpay, our analysis has therefore focused on whether there are other current and potential competitors that could replace this lost competition.

Current competitors

47. At present the main competitors to Verifone and Smartpay at the SME level are resellers. Unlike Verifone and Smartpay, resellers do not import terminals themselves. Instead, resellers purchase terminals from wholesalers (typically Skyzer and Verifone) and then sell these to merchants.

¹¹ Although Smartpay may be one driver of Verifone's prices, we are also considering whether there are other drivers. For example, Verifone may be focused on increasing the number of transactions on its switch. If so, this may continue to drive Verifone's prices post-transaction despite the loss of Smartpay as a competitor. One reseller believed that Verifone could continue to be aggressive on price post-transaction.

¹² See for example: []

¹³ For example: one market participant said that Verifone and Smartpay are price cutters in the market and are chasing each other on price at times. Another market participant said that Verifone and Smartpay are aggressive and that resellers talk about Verifone's and Smartpay's low prices.

48. Most evidence we have received to date indicates that resellers find it difficult to compete on price with Verifone and Smartpay in the SME market. This was the view of several market participants we spoke to. However, one reseller considered that it was able to compete on price with Verifone. We have been provided some examples where resellers were competitive on price.
49. It appears, on the information we have received to date, that resellers instead more commonly compete through being able to offer better support and service to merchants. For example, the reseller may be located close to the merchant meaning that it can more quickly address technical problems and in person. Resellers may also have an existing relationship with the merchant for another service (such as supplying other POS services) which they can leverage to sell terminal services to the merchant as well.
50. Competition in a market can take place on a range of factors. Although Verifone and Smartpay appear to be the most aggressive price competitors, it is possible that resellers could be equally competitive so long as merchants value the additional service they provide. That is, resellers may be competitive at a quality-adjusted price and, if so, may be able to each individually expand to gain merchants if the merged entity raised its price. We continue to assess the extent to which resellers could replace the lost competition from the Proposed Acquisition.
51. One factor that we have been considering is that many resellers appear to be somewhat dependant on Verifone, and this could affect the extent to which resellers would constrain the merged entity post-transaction. Verifone wholesales a large proportion of the terminals that resellers supply to merchants and also processes the transactions for those terminals. Verifone therefore would not lose all the profit from a merchant that switched from Verifone to a reseller who offered a terminal on the Verifone switch. This would not be the case where the reseller, or other competitor, offers a merchant services that do not rely on a Verifone terminal or switch.
52. We invite further information on the constraint that resellers provide on Verifone and Smartpay.

Potential competitors

53. We have considered whether other major players that operate in the terminal supply chain could compete more closely for SME customers. For example, whether Windcave could focus more on SME customers and whether Ingenico might start to compete directly for merchants.
54. We are still considering whether Windcave could compete more directly for SME merchants. In the past Windcave has focused on larger (ie, enterprise and commercial) merchants. However, we are assessing whether there are any significant barriers that would prevent Windcave focusing more on SME merchants. One issue that we are considering is
[

]

55. We are also considering whether Ingenico might be a potential competitor in the SME market. Currently, Ingenico does not supply terminals directly to merchants. It provides transaction processing through Paymark and is a global terminal provider. At present, its terminals are supplied to merchants through Windcave, Skyzer and resellers.
56. Smartpay currently uses Paymark to process its transactions. Paymark may lose a significant number of those transactions if Verifone were to switch Smartpay merchants onto its own switch post-transaction.¹⁴ Due to the high fixed costs associated with running a switch, we consider it likely that Ingenico will be motivated to maintain volumes of transactions over the Paymark switch. We are considering whether there are any significant barriers that Ingenico would face to start competing for SME merchants directly, in order to maintain these volumes.
57. Verifone submitted that it expected Ingenico will “aggressively seek to expand in the retail terminal market, either directly or through its subsidiary Bambora”.¹⁵ The evidence we have is that market participants expect Ingenico will enter the market (in some form). For example:
- 57.1 [].¹⁶
- 57.2 One reseller considered that the Proposed Acquisition could lead to a price war between Ingenico and Verifone. Another reseller believed it would be a natural progression that Ingenico will go direct to market.
58. Ingenico’s clearance application in 2018 to purchase Paymark identified one rationale for the deal was to assist it to provide “end to end solutions to the New Zealand payments system, in partnership with resellers, banks and other parties covering all aspects of the payments value chain”.¹⁷ Ingenico already has a direct-to-merchant operation (Bambora) which competes to supply eCommerce services to SME merchants. We are considering whether it would be able to add terminal services to Bambora’s offering. The threat of Ingenico’s entry into the SME market, in of itself, may constrain the merged entity post-transaction.
59. Although Ingenico may not directly start competing for merchants, it could still support terminal retailers and resellers in other ways to ensure it maintains volumes over its switch. For example, if it believed that resellers were not able to compete with the merged entity on a quality-adjusted price, it could reduce the wholesale

¹⁴ Ingenico would not lose all revenue as it would still earn revenue from those transactions that were routed through the WSA. However, Verifone would be able to process a portion of those through its own links.

¹⁵ The Application at [78(b)]

¹⁶ For example: [].

¹⁷ *Ingenico Ingenico Group SA and Paymark Limited – Clearance Application* (9 August 2018) at [38].

price of terminals to Skyzer, or reduce the cost for resellers to have transactions processed on its switch, to improve their competitiveness.

60. We are still considering the extent of the constraint that Windcave and Ingenico are likely to impose as potential entrants. We invite further information and submissions on this.

Countervailing power

61. Countervailing power exists when a customer possesses special characteristics that give the customer the ability to substantially influence the price the merged firm charges. For example, we will identify countervailing power in customers when they are able to sponsor entry into a market. In the SME market, merchants are small and fragmented. At this point we have not identified any means through which they may be able to exert countervailing power on the merged entity.

[

- 62.

- 63.

] We are cognisant of the likely longer term economic impact of COVID-19 which may impact on [] and intend to take this into consideration in reaching a view on this issue.

64. We invite further information and submissions on this.

Conclusion

65. At this point we are not satisfied that the Proposed Acquisition would not result in a substantial lessening of competition for the supply of terminals to SME merchants. We invite further information and submissions on this.

Coordinated effects

66. An acquisition can substantially lessen competition if it increases the potential for the merged entity and all, or some, of its remaining rivals to coordinate their behaviour and collectively exercise market power such that output reduces and/or increases prices across the market. Unlike unilateral effects, which can arise from the merged entity acting on its own, coordinated effects require some or all of the firms in the market to be acting in a coordinated way.¹⁸

67. We have considered coordinated effects in the following markets:

¹⁸ Commerce Commission “Mergers and Acquisitions Guidelines” (July 2019) at [3.84].

- 67.1 importation;
 - 67.2 wholesale; and
 - 67.3 retail/resale.
68. Additionally, we have considered the potential effects of the Proposed Acquisition on the sector more generally, as it will likely result in the two main vertically integrated suppliers holding even stronger positions of influence throughout the terminal sector (Ingenico and Verifone). Our view is that at each of these levels individually, as well as across the sector as a whole, we consider that the Proposed Acquisition is unlikely to materially increased the likelihood of successful coordination.
69. Some of our key reasons for this view include:
- 69.1 Demand for terminals is somewhat unstable. There appears to be a reasonable degree of churn amongst merchants, as some enter and exit their respective downstream markets (eg, retail, hospitality). This instability in total demand is likely to continue as alternative payment technologies further disrupt the payments sector and from the effects of COVID-19;
 - 69.2 Verifone and Ingenico have an incentive to increase or protect market share in terminals to increase or protect their market share in upstream switching services;
 - 69.3 There is a material degree of asymmetry between Verifone and Ingenico in both their terminal and switching operations (for example, Ingenico does not have a direct to market terminal service, Verifone is reliant on Paymark to process S2I transactions) which is unaffected by the removal of Smartpay; and
 - 69.4 Windcave's position as a smaller third player within the payment sector more generally would also likely have the effect of maintaining a disruptive presence.¹⁹
70. As well as these sector-wide considerations, we believe the Proposed Acquisition would be unlikely to lead to coordinated effects within individual markets because:
- 70.1 There is a relative lack of price and volume transparency in both the importation and wholesale markets that would remain largely unchanged post-transaction. This would apply even at the importation level in which the loss of PAX would make this market materially more concentrated and where the terminals are relatively homogeneous products;

¹⁹ [

].

- 70.2 Within the wholesale market, the Proposed Acquisition would result in little aggregation. There is also a higher degree of product differentiation in products at this level; and
- 70.3 Within the retail market, there is a large range of suppliers of different sizes and business models that offer varying degrees of emphasis on price and service quality.
71. For these reasons we are no longer considering the impact of the Proposed Acquisition on coordinated effects.

Vertical effects

72. A vertical merger is a merger between firms operating at different levels of a supply chain (for example, a wholesaler and a retailer). Vertical mergers can provide merged entities the ability and incentive to foreclose downstream rivals, including by refusing to supply the services (known as “total foreclosure”) or raising the costs of those rivals (known as “partial foreclosure”).

Foreclosure of resellers

73. Verifone is both a competitor and supplier to resellers. Verifone wholesales terminals to resellers and also processes their transactions, while competing with them to supply terminals to merchants. We have considered whether the Proposed Acquisition would provide Verifone the ability or incentive to raise rivals’ costs or refuse to supply either terminals or processing services.
74. We do not think Verifone would be likely to have the ability or incentive to engage in such conduct towards resellers. Attempting to raise the cost of resellers, or refusing to supply resellers, is likely to result in resellers switching to offer merchants an Ingenico terminal on the Paymark switch. We consider Verifone is unlikely to do this because it would mean risking a loss in terminal sales and/or transaction volumes over its switch.

[

75.

]

Conglomerate effects

76. A merger between suppliers (or buyers) that are not competitors but that operate in related markets can result in a substantial lessening of competition due to conglomerate effects. This can occur where the merging parties have complementary products. The merged entity may provide bundled discounts (where customers buy the product together rather than separately) or may refuse to sell one product unless the customer buys another product (tying). This can harm

competition because it may mean a competitor is denied access to sufficient market demand to achieve competitive scale and is foreclosed from the market.

77. The Proposed Acquisition will not create any new opportunities for Verifone to bundle. For these reasons we are no longer considering the impact of the Proposed Acquisition on conglomerate effects.

Next steps in our investigation

78. The Commission is currently scheduled to decide whether or not to give clearance to the Proposed Acquisition by 15 May 2020. However, this date may change as our investigation progresses.²⁰ In particular, if we need to test and consider the issues identified above further, the decision date may extend. The impact of New Zealand's COVID-19 response may also impact on how quickly we can conduct the investigation.
79. As part of our investigation, we will be identifying and contacting parties that we consider will be able to help us assess the issues identified above.

Making a submission

80. We are continuing to undertake inquiries and seek information from industry participants about the impact of the Proposed Acquisition. We welcome any further evidence and other relevant information and documents that the Parties or any interested parties are able to provide regarding the issues identified in this Sol.
81. If you wish to make a submission, please send it to us at registrar@comcom.govt.nz with the reference "Verifone / Smartpay" in the subject line of your email. Normally we also accept submissions via post. However, currently the Commission cannot receive postal deliveries due to COVID-19, so submissions can only be accepted via email until further notice.
82. As above, if in the current COVID-19 lockdown environment this deadline will be difficult for you to meet, please register your interest with the Registrar so that we can work with you to accommodate your needs where possible.
83. All information we receive is subject to the Official Information Act 1982 (OIA), under which there is a principle of availability. We recognise, however, that there may be good reason to withhold certain information contained in a submission under the OIA, for example in circumstances where disclosure would be likely to unreasonably prejudice the commercial position of the supplier or subject of the information.

²⁰ The Commission maintains a clearance register on our website at <https://comcom.govt.nz/case-register/case-register-entries/verifone-new-zealand-smartpay-holdings-limited> where we update any changes to our deadlines and provide relevant documents.

Attachment A []

[

A1.

A2.

A3.

A4.

A5.

A6.

A7.

A7.1

A7.2

A8.

A9.

A10.

A11.

A11.1

A11.2

A11.3

A12.

]

[

A13.

A14.

A15.

A16.

A16.1

A16.2

A17.

A18.

A18.1

A18.2

A18.3

A19.

A20.

A21.

A22.

]