



Brugge

College of Europe
Collège d'Europe



Natolin

GCLC

Global Competition Law

Centre

100th Lunch-Talk

PROSPECT OF BREXIT and EU COMPETITION LAW:

Some critical issues for the European Commission's agenda

22 MAY 2018

THE HOTEL, BRUSSELS

Presentation of the Event:

Massimo Merola

President GCLC

Opening Address:

Luis Romero Requena

Director General, Legal Service, European Commission

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PART I: ANTITRUST AND MERGER CONTROL LAW AND POLICY IN TIMES OF BREXIT

12.30 - 14.00

Chairman: Denis Waelbroeck (Ashurst LLP and GCLC)

Panelists: Laurent Garzaniti (Freshfields Bruckhaus Deringer LLP); Salomé Cisnal de Ugarte (Hogan Lovells International LLP); Clemens Ziegler (Hogan Lovells International LLP) and Anna Lyle-Smythe (Slaughter & May)

ANTITRUST

Substantive antitrust provisions are likely to remain very similar in the UK and the EU, at least for some time, but their enforcement might change. Moreover, various practical issues are likely to arise, for example in relation to the coordination of leniency applications, the exchange of information and evidence, the coordination of settlement procedures, the enforcement of EU commitment decisions and the extraterritorial jurisdiction for the enforcement of EU competition law.

MERGER CONTROL

The UK is likely to modify its current merger control regime. For example, a recent proposal of the UK government envisages a revision of its veto power over mergers that could endanger national security, financial stability, public security or the plurality of the media. Is the EU equally likely to change its regime to address the consequences of Brexit? For example, will the EU revise the thresholds that qualify mergers as having Community dimension? Moreover, as the EU and the UK are likely to introduce control on foreign mergers in strategic sectors, how will this apply in their bilateral relations?

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For both antitrust and merger control, the EU will have to deal with the above issues and others that include transitional arrangements by means of a bilateral agreement (under Article 50(2) TEU) or at the administrative level by way of agreements between the European Commission and the Competition and Markets Authority – what are the advantages and disadvantages of each option?

14.00 - 14.30

COFFEE BREAK AND SOCIALISING

Special Guests:

Jacques Bourgeois (Sidley LLP), Bernard van de Walle de Ghelcke (Linklaters LLP), and Damien Geradin (Euclid Law LTD)
Former Presidents of the GCLC

14:30

Keynote Address:

Margaritis Schinas
Chief Spokesperson, European Commission

PART II: STATE AID LAW IN TIMES OF BREXIT

14.45 - 16:00

Chairman: Leigh Hancher (Allen & Overy LLP and Tilburg University)

Panelists: Phedon Nicolaides (College of Europe), Jacques Derenne (Sheppard Mullin LLP and GCLC), Nicole Robins (Oxera Consulting LLP) and Pablo Ibanez Colomo (London School of Economics)

EU Member States and the UK are encouraging companies to relocate or stay and are competing for investment and foreign capital. These policies are likely to involve public resources.

To address this aspect and future ones, a system of coordinated State aid control between the EU and the UK is needed. Moreover, an entity should be responsible for enforcing State aid rules within the UK in the future.

Other key issues include: (i) the level of cooperation between the European Commission and the CMA (as the entity that will be responsible for enforcing State aid rules in the UK); (ii) the possible integration of the GBER into UK law and the related consequences; (iii) the regime to govern the application of State aid control during the implementing period (on the basis that the Union acquis should continue to apply in full to and in the UK during the transitional period); (iv) the enforcement of past decisions and the control of aid granted before Brexit; and (v) the related issues of judicial control.

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16:00

Closing Remarks:

Kieran Bradley

Special Adviser to the Court of Justice of the EU on Brexit

FURTHER ENQUIRIES

Joanna Hornik

Executive Secretary

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VENUE

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