



Competition Law Forum

December 2022

Annual Report

Dear Colleague

2022 was the year where we saw a return to normality compared to previous years which were dictated by the pandemic. To say we are back to where we were before the pandemic would probably be a stretch, but 2022 did bring us many more in-person roundtable discussions. It was great to see so many of you again in both London and Brussels. Given the benefits and tremendous outreach of webinars we will continue to have some form of hybrid going forward.

Digital technologies continues to be high on the CLF agenda for 2023. In the UK, the Chancellor's Autumn Statement announced that the Digital Markets, Competition and Consumer Bill will be introduced in the third session of this Parliament. This will give the Digital Markets Unit within the CMA the power to regulate firms with significant market status. In the EU, the the Digital Markets Act has come into force. Now the difficult period starts – the implementation of the DMA. The European Commission is currently consulting on the draft implementing regulation. In March, the CLF will host a roundtable where we will be discussing the implementation of the DMA.

As many of you will already know, Sarah Cardell has been appointed CEO of the CMA. The CLF hosted her at our Tech Antitrust roundtable in November and we will host her again in January at our event on Sustainability, Competition Law and Greenwashing. The CLF will continue to closely follow the increased interest from companies and competition regulators on sustainability, competition law and greenwashing, which is becoming more prevalent.

Another important subject for the CLF is mergers and we will host a roundtable discussion on recent developments in UK mergers in February. It will be particularly interesting to see how the CMA will deal with mergers in the light of the Government's focus on competitiveness and growth. You will find some of our planned activities for 2023 at the end of this report.



CLF Annual Report 2022

May I take this opportunity to and thank you for your continued support of the CLF and wish you all a Merry Christmas.

Warm regards,

Dr Liza Lovdahl Gormsen

Director, Competition Law Forum

Membership

Benefits of Membership:

- An invitation to exclusive Forum events. These are CPD-accredited.
- The opportunity to participate in an independently run Forum that aims to influence policy and which provides an arena for on-going and constructive debate with regulators and other decision-makers.
- An opportunity to interact with regulations and government officials.
- The opportunity to act as speakers at both CLF and public events.
- Attendance at a preferential rate to all public events related to the field.
- Online access to ICLQ <http://www.biicl.org/iclq>. You should all have received login details, but if you have any questions about access please do not hesitate to contact Bart Kolerski at b.kolerski@biicl.org

CLF Events 2022:

The CLF identifies areas requiring debate and analysis, and provides the required forum and experts, thereby contributing to policy initiatives. Below you will find a list of subjects and issues being discussed during 2022.

Merger control and the CMA role in the post-Brexit world (23 March 2022)

Following a number of major deals assessed by the CMA in parallel with the EU Commission, US DOJ/FTC and other competition authorities globally, the panel discussed the approach of the CMA post Brexit towards merger control and how CMA's assessment compares and contrasts with that of other jurisdictions.

National Security Regime and FDI (12 May 2022)

This was an in-person event held at BIICL. The panel brought together academics, practitioners and government officials to discuss the new National Security and Investment Act (NSI Act) which allows the government to scrutinise and intervene in certain acquisitions made by anyone, including business and investors, which could harm the UK's national security.

Collective HRDD Engagement and Competition Law (23 May 2022)

This hybrid event considered how companies that engage with peers in their industry on the implementation of human rights due diligence might run competition law risks.

Implementation of the DMA – How will things unfold? (8 June 2022)

This was a roundtable discussion co-hosted by BIICL and Oxera and held in Brussels with the European Commission and representatives from national competition authorities. The first panel discussed the interplay between DMA, Article 102 TFEU and current national regulation. The second panel discussed effective compliance measures in light of the principles underlying the DMA.

4th Annual BIICL/Linklaters Tech Antitrust Roundtable (28 November 2022)

This 4th Annual BIICL/Linklaters roundtable brought together leading officials, academics, economists, and senior business leaders from the digital sector and disputed corporates for an open and constructive discussion on the key issues in tech regulation and enforcement. There was a particular focus on the next regulatory frontiers post-DMA and their implementation as well as a focus on new technologies, Web 3.0 and how traditional competition/antitrust enforcement can operate alongside the DMA and other forthcoming sector regulatory regimes, in particular in the UK.

Some of the planned CLF events for 2023:

- Sustainability, Competition Law and Greenwashing **11 January**
- Recent Developments in UK Mergers **28 February**
- Implementation of the DMA **March (date TBC)**
- Ecosystems **April (date TBC)**

Annual Invoices:

The Institute will shortly be sending out invoices to all Forum Members for CLF membership for 2023. Should you have any questions regarding membership, please contact Nadine Foster on n.foster@biicl.org or Deepa Craig on d.craig@biicl.org.