

Scottish Competition Law Forum

Evolution or revolution: where next for the UK's merger regime?

Following the recent spate of challenges to Competition Commission merger decisions, is the UK regime in need of radical overhaul, minor repair or can it simply continue as it is? The CC has an unenviable task in this ever more contentious environment, particularly when faced with mergers which have already completed. If these challenges lead to a period of self-scrutiny, similar to that experienced by the European Commission a few years ago, and procedures are revamped, is that enough? Or is a wider re-examination of the UK voluntary system now needed?

Our three speakers are:

David Saunders, Chief Executive of the Competition Commission. He will discuss possible new approaches to merger regulation. Is it time to consider moving towards a mandatory regime and what are the costs and benefits of doing so?

Rhodri Thompson QC of Matrix Chambers who has first-hand experience of challenging the CC. Although a number of challenges have succeeded, the hurdles which have to be overcome are high. Even if successful, do businesses ever really achieve a satisfactory outcome?

Dr Gunnar Niels, Director, Oxera, will consider the economic pros and cons of the current system versus some alternatives. For example, does the current two-regulator two-phase system serve us well? Is the right balance struck in the merger guidelines between helping businesses predict the likely outcomes in advance by using precedent and ensuring that each case is examined in its own right?

Programme

Date: Tuesday 5 October 2010

Time: 17.00 – 20.00

Venue: Maclay Murray & Spens LLP
Quartermile One
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RSVP

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