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PEERING INTO THE FOG – WHERE NEXT FOR UK COMPETITION LAW?

Rhodri Thompson QC

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INTRODUCTION

- History
- Geography
- Politics
- Law

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History

- Pre-1973: UK domestic competition law
- Post-1973: UK/EU hybrid
- Post-2000/2002: UK/EU alignment
- Post-2005: EU reform
- Post-2013/2015: UK reform

Geography

- The one-stop shop principle
- Cartels and abuse of dominance
- Merger control
- State aid
- Transition

Politics

- The Withdrawal Agreement:
 - Transition
 - Agreed political framework
- Automatic operation of Article 50: ‘no deal’
 - No transition
 - No agreed political framework
- The Johnson modified agreement:
 - Weak political framework
 - State aid and ‘level playing field’

Law

- The Withdrawal Act 2018
- The 2018 Regulations
- Section 60A of the Competition Act 1998
- Practical pinch points:
 - State aid
 - Pending cases
 - Jurisdictional issues
 - Issues of comity during the negotiation phase

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RHODRI THOMPSON QC

rthompson@matrixlaw.co.uk

020 7611 9316

Griffin Building, Gray's Inn
London WC1R 5LN
DX400 Chancery Lane, London