



Competition Law Association

British Group of the
Ligue Internationale du Droit de la Concurrence
(International League for Competition Law)



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Competition Law Association

**WEBINAR: EXITING LOCKDOWN:
IMPLICATIONS FOR COMPETITION LAW**

TUESDAY 8 SEPTEMBER 2020

DAN RAWLING
DIRECTOR, POLICY & INTERNATIONAL
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Exiting Lockdown: Implications for Competition Law

DR NIGEL PARR, ASHURST LLP

**COMPETITION LAW ASSOCIATION WEBINAR
TUESDAY 8 SEPTEMBER 2020**

Exiting lockdown, or Covid-19 – the aftermath?

- **Practical issues – blowing the whistle**

- Termination of Exclusion Orders – Amendment and Revocation Order of 2/9/20
- Withdrawal of CMA Guidance 118?

*"The CMA ... wants to provide reassurance that ... provided coordination [between competing businesses] ...is undertaken solely to address concerns arising from the **current crisis** and does not go further or **last longer than what is necessary**, the CMA will not take action against it" [para 1.5]*

- Coordination with the European Commission as regards withdrawal of its Temporary Framework?
- Impact on compliance guidance to businesses

Exiting lockdown, or Covid-19 – the aftermath?

- **Policy Issues – adjusting to the new normal**
 - Increasing vulnerability of certain consumer groups
 - Consumer protection laws inadequate (eg price gouging)
 - Asymmetric economic shock across sectors
 - Increasing market concentration
 - Increased power of digital platforms
 - Reduced trade – shorter supply lines and "re-shoring"
 - Brexit!
 - State aid as an "economic development" tool?
 - Greater use of public interest / FDI interventions?

Exiting lockdown, or Covid-19 – the aftermath?

- **Policy Issues – the new normal?**

- ➡ Loss of international competitive pressure, narrowing geographic markets, reduced focus on ease of entry/expansion, requiring closer domestic scrutiny via merger control and MIRs?
- ➡ Does Brexit provide an opportunity to support the bricks & mortar retail sector by attenuating single market approach to object infringements set out in *Consten and Grundig* and applied to online sales in *Pierre Fabre* and most recently in *Ping*?



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