



British Institute of
International and
Comparative Law

Competition Law Forum

December 2023

Annual Report

Dear Colleague

The latter part of 2023 marked the 21st Anniversary of the founding of CLF. While most 21st birthday celebrations end up rather messy and in stand-up rows, ours kicked off in the impressive surroundings of the Armourer's Hall. Our Anniversary Roundtable gathered together Members and friends of long standing to take stock of the last 21 years in competition law and policy and also to look ahead to the sort of issues CLF will need to address in the coming year.

Our 21st year of operation feels momentous in other ways too. The passing of legislation here and in the EU on digital markets regulation, the updating of consumer protection laws and the burgeoning field of competition litigation is giving our field of operation a changing complexion. The comfortable world of European Agencies all pulling in one direction and friendly competition between regulators occurring within strict frameworks appears long gone. The emergence of divergence and multi-polarity in Europe challenges us to look still further afield at agencies elsewhere in the world who are, or may be becoming, consequential in competition enforcement. In that light we are looking to deepen our engagement in Asian competition developments and debates possibly by establishing a CLF presence in Singapore.

The effects of Brexit are starting to be felt in our corner of the policy world and it is heartening to see CLF reaching more firms based in Ireland. An important part of our mission over the next few years must be to maintain the friendly relations between the historically close Irish and British competition communities. This year has seen a welcome growth in membership with Arthur Cox, Frontier Economics, Hausfeld, HBK, Latham & Watkins, The Analysis Group and Wilkie Farr and Gallagher joining our merry band. It has also seen Liza Lovdahl-Gormsen getting some help running the Forum, in the shape of Phil Evans.

We look forward to developing an interesting line up of Roundtables and meetings during 2024. We will kick off with a Sustainability Roundtable on Jan 25th, quickly followed by



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a meeting on the practicalities of the proposed Phase II reforms at the CMA. Look out for meetings on Article 102 TFEU, (present and future) and on Sports Law and economics in the light of the possible regulator for football. The topics raised in our anniversary event will also be further explored as we work up ideas around the wider impact of competition law and policy, the relationship between economic growth and competition regulation and the emergence of multi-polarity in competition enforcement.

As valued Members we want and value your input on meeting topics and speakers, so please do contact us if you have a particular topic gnawing away at your waking hours, or have colleagues with a specific interest in areas we have already identified.

We wish you the greetings of the season, whichever holiday you observe, and hope you can all join us next year for an exciting batch of events and discussions.

Warm regards,

Dr Liza Lovdahl Gormsen Phil Evans
Co-Directors, 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 2023:

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 2023.

30 November 2023 21st Anniversary Celebration: Taking Stock - Looking Forward

Our 21st Anniversary Roundtable and celebration really covered the full gamut of developments in competition law, economics and institutions, reflecting on the enormous progress of the last two decades of CLF's existence and pointing to the enormous range of topics CLF can, and should engage with as we move into our third decade.

20 November 2023 5th Annual BIICL/Linklaters Tech Antitrust Roundtable

CLF met for their annual Antitrust and Tech Roundtable against the backdrop of enormous legislative change in the area and the culmination of cases that seem to have been on the boil for years.

17 October 2023 Rapid Response Event: "Trial of the Century": USA vs Google

CLF held a rapid response event featuring key participants in the 'Trial of the Century' going on in the USA involving Google. Members enjoyed the chance for a robust discussion with key players in the debate.

20 July 2023 Dynamic Competition and Big Tech Mergers

With tech policy and individual case developments focusing on the core topic of dynamic competition, CLF held an event, centred on a specially commissioned report, on the topic.

13 June 2023 Ecosystems and their Role in Competition Law

CLF Members had the chance to engage with experts and each other on the evolving understanding of ecosystem competition and analysis. Members discussed the topic with a wide range of experts from within and outside the competition community.

16 May 2023 Recent Developments in UK Mergers

The centrality of merger analysis and scrutiny to competition law and policy should never be underestimated. Just when you think the case law is settled along comes a case to unsettle it again, and 2023 was no different. Indeed the cases that came along in 2023 will help shape our 2024 conference where we will have plenty to talk about.

1 March 2023 The Draft DMA Implementing Regulation- Balancing effectiveness with due process?

The DMA and DMCC have thrown up as many issue in process and rights of representation as they have issues of digital market operation. Our Spring Meeting brought many of these topics to the surface and members got the chance to rehearse the arguments they would be using both in Brussels and London as the UK process kicked into gear later in the year.

11 January 2023 Sustainability, Competition Law and Greenwashing

In the spirit of the New Year, CLF Members got the opportunity to engage with the then emerging debates around sustainability and the interface between competition law and greenwashing. The issues raised early in the year helped shape the evolution of the debate and the initiatives announced towards the end of 2023.

Some of the planned CLF events for 2024:

- Sustainability Rountable **25 January**
- Practical Application of CMA Phase II Reforms **early February**
- Competition and the Regulation of Sports **Spring (date TBC)**
- Competition Regulation Beyond the EU **Summer (date TBC)**

Annual Invoices:

The Institute will shortly be sending out invoices to all Forum Members for CLF membership for 2024. Should you have any questions regarding membership, please contact Darshini Karania on d.karania@biicl.org or Deepa Craig on d.craig@biicl.org.