



Competition

What are the legal issues for the application of competition law in the UK following a Brexit?

Issue	Impact	Areas of law affected
Merger control: EU Merger Regulation will not stop application of UK merger control regime	Increased merger control scrutiny: where EUMR applies to a transaction, the UK regime could also apply in parallel.	 All
Competition rules: scope for duplicative investigations by both CMA and European Commission (current EU law avoids this)	Increased regulatory scrutiny: multiple investigations into same issue where there is an effect of trade in the UK and the EU.	 All
European Courts jurisprudence falls away, leaving case-law gap on interpretation of UK competition laws	Uncertainty over application of EU competition case law in UK cases.	 All
Potentially reduced jurisdiction of CAT and High Court to accept follow-on damages actions re EU competition decisions	Current favourable jurisdiction for follow-on damages actions could fall away.	 All
State aid restrictions may no longer apply	Potential for more Government support and less scrutiny from the European Commission.	 All

What action can you take now?

The impact of Brexit will depend largely on the terms of the UK's future trading relationship with the EU.

How can CMS help?

CMS experts can advise on the potential models and implications for competition law and its application to your business.

Your contacts



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Please visit our Brexit website for analysis, commentary and additional checklists on the legal implications of a Brexit on businesses operating in, and trading with, the UK: www.cms-lawnow.com/brexit