Foreword

Among the many journals and reviews in the field of competition law, the *Competition Law Journal* had earned a distinctive position. Its content concentrated on relevant and topical issues – whether with a domestic, EU or comparative dimension – all examined and discussed with a practical focus. Moreover, the articles were not too long, which, at a time when many suffer from information overload, proved of particular benefit.

Many were concerned when the previous publishers announced that the *Journal* would be discontinued. Edward Elgar are therefore to be commended on taking on the publication of a revitalized *Competition Law Journal*, as are the team of editors for their initiative and enthusiasm in re-launching the *Journal*, now with an enhanced Advisory Board. I have no doubt that it will continue to prove invaluable to those, particularly in the UK, who practise, study or are otherwise engaged in this ever-evolving and stimulating area of law.

Sir Peter Roth
President, the Competition Appeal Tribunal
Editorial

After a year’s hiatus, we are very pleased to relaunch the Competition Law Journal with our new publisher, Edward Elgar Publishing. The Competition Law Journal had, if we may say so, an established reputation as the leading journal focused primarily on UK competition law. We remain committed to providing our colleagues in the UK, and beyond, with high quality and practitioner-focused articles on all aspects of UK and EU competition law.

We are delighted that Sir Peter Roth, President of the Competition Appeal Tribunal (CAT) and a leading authority on competition law, has accepted our invitation to be our first ever Consulting Editor. To assist us, we have also constituted a new Advisory Board, of practitioners and academics, drawn from leading law firms, chambers, economic consultancies, businesses, competition authorities and universities, both in the UK and elsewhere in Europe. We look forward to working with Sir Peter and the members of the Advisory Board. Finally, we are very pleased to welcome Andrew North, Of Counsel at Herbert Smith Freehills LLP, as a new Editor. Andrew will replace Molly Herron, who will be joining the Advisory Board, following her taking up a new in-house position in Switzerland; her co-editors are very grateful for Molly’s contribution over the years and wish her well in her new role.

We are relaunching the Competition Law Journal at a time when the UK is in the midst of seismic political and economic change. However, it remains clear that competition law will remain central to economic policy, whatever the UK’s future relationship with the EU.

In taking up his new role as Chair of the Competition and Markets Authority (CMA), Andrew Tyrie said that ‘competition can and should be put even closer to the centre of British economic life, reaching to every sector, rooting out monopoly and unfair trading practices. By doing so the CMA can benefit millions of people and also play a crucial role in enhancing Britain’s global competitiveness’.

Meanwhile, out in the world at large, competition law has, on occasion, attracted headlines in both national and local media. The competition law implications of a proposed merger that will combine Sainsbury’s and Asda’s supermarkets were headline news in both print and broadcast media, with considerable discussion on whether neighbouring stores would have to close on competition grounds (which, whilst identifying correctly the issue of a possible loss of local competition in some areas, was wrong as to how any such loss might be remedied). The CMA’s investigations into pharmaceutical pricing (and its (partial) loss before the CAT in the Pfizer and Flynn case) and funerals, and suggestions by the Government that it should investigate fuel prices on motorways, amongst others, have received wide media coverage. More locally, price-fixing between estate agents in the quiet Somerset seaside town of Burnham-on-Sea, and the disqualification of some agents as company directors, received coverage in both local and national media.

Brexit, of course, brings up multiple questions for competition law (with as yet few, if any, concrete answers) on matters as diverse as jurisdiction in damages actions, the future alignment of UK law with EU law and transitional arrangements for on-going investigations and cases. We do, however, know that the CMA will assume responsibility for state aid, in addition to its many existing functions. The Government has also recently implemented lower jurisdictional thresholds for mergers involving military and dual-use goods and advanced technologies, in order to respond to concerns about foreign ownership in those sectors, whilst the CMA has opened consultations on both how it investigates suspected anti-competitive conduct and in what circumstances it should not refer a merger for a Phase 2 investigation (despite considering there to be a realistic prospect of a substantial lessening of competition).

We look forward to the Competition Law Journal contributing to the debate on the challenges and inevitable changes that lie ahead for competition law in both the UK and Europe. We hope that our readers will enjoy the new Competition Law Journal and find it both informative and useful in their professional and academic work. As always, we welcome submissions on all aspects of UK competition law (whether legal, economic or policy) and on related aspects of EU and international competition law. Should you wish to submit an article for consideration, discuss ideas for an article, or have any other comments or suggestions for coverage please do not hesitate to contact us.

Molly Herron
Sarah Long
Andrew North
Matthew O’Regan


Downloaded from Elgar Online at 07/01/2019 08:26:09AM via free access