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# Decentralised enforcement of EU competition law by sector regulators – the UK model

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# Outline of presentation

- Introduction
- History of concurrency
- Initial arrangements
- Practice
- Reform
- Conclusions

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# Introduction – Competition law and regulation

- Three models
  - EU model
  - Spanish model
  - UK model - concurrency

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# History

- Privatising utilities
  - Competition law without prohibitions
- Competition Act 1998

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# Initial arrangements

- Which regulators?
  - Energy, telecommunications, water, rail, civil aviation
- Choice of powers
  - CA 1998
  - Market investigation references (EA 2002)
- Dealing with conflicts

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# Practice

- Little use of powers
  - Only two findings of infringement
  - Only one MIR
- Why not?
  - Preference for regulatory powers to open up market to competition
  - Doubt as two applicability
  - Time and well resourced parties
  - Uncertainty of outcome

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# Reform – ERRA 2013

- Creation of CMA
  - Annual concurrency report
  - Creation of UK Competition Network
- Requirement to consider use of competition law before regulation
- CMA power to take over cases
- Secretary of State power to remove concurrency
- Extension to health and financial services

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# Conclusions

- Promise of new era
  - More cases?
    - MIRs in banking and energy
  - New areas
    - Health, financial services
- Future for enforcement
  - Do more cases = more decisions?