

Consultation launched on CMA Merger Assessment Guidelines



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The updated Merger Assessment Guidelines will help ensure that the Competition and Markets Authority (CMA) continues to protect consumers through its merger enforcement work as well as aiding companies and their advisers to assess whether competition concerns might be raised by the CMA before they enter into a deal or purchase.

The CMA's current merger assessment guidelines were published in 2010. Since then, markets have evolved and changed at a rapid pace, often making the act of assessing mergers more complex. The rise of digital technologies has also significantly changed the way that consumers behave and how businesses compete with one another.

The guidelines will build on recommendations made by the Furman (Unlocking digital competition: Report from the Digital Competition Expert Panel) and Lear (Ex-post Assessment of Merger Control Decisions in Digital Markets) reports in 2019 on how the CMA should approach its assessment of digital mergers; for example, an increased focus on the potential for future competition, and considering innovation and other non-price related effects when assessing whether there is likely to be a substantial lessening of competition. This will reflect the CMA's recent case experience and improve its merger enforcement within the existing legal framework.

Today's launch marks the second consultation on the CMA's merger guidance this month, following the updates to the CMA's jurisdictional and procedural guidance (CMA2) and the guidance on the CMA's mergers intelligence function (CMA56).

Andrea Coscelli, Chief Executive Officer of the Competition and Markets Authority, said:

"Our updated guidelines better reflect the way businesses,

including online businesses, now compete as well as our own recent experiences of reviewing mergers in digital markets. New technologies have made markets even more dynamic and so we have had to re-think the way that we interrogate mergers in those sectors over the past ten years.

“These updated guidelines will help ensure that, through effective enforcement, consumers will continue to receive the best products and services possible without weakening competition or damaging future innovation.”

Further details on the updated guidelines can be found in the consultation document.

The CMA now welcomes views on the revised guidance documents from businesses, their legal and other advisers, and other interested parties by 8 January 2021.

Media queries should be directed to press@cma.gov.uk or 020 3738 6460

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