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CICRA's 150th merger decision

Rob van der Laan (OmniCLES) · Thursday, January 23rd, 2020

CICRA stands for Channel Islands Competition and Regulatory Authorities. This is the competition authority for Jersey and Guernsey, small island jurisdictions located between France and England. CICRA comprises the Jersey CRA and the Guernsey CRA. Both jurisdictions have separate and different merger control legislation, including different merger thresholds.

On 21 January 2020, CICRA issued approval for the proposed concentration listed under M1483J.

If I counted correctly, this was the 150th merger control decision by the Jersey CRA and/or the Guernsey CRA. Despite the fact that the Channel Islands may at times be overlooked when notifications are made to competition authorities, this is still a very significant number of decisions. Following a steep rise in the number of decisions during the first years of merger control in Jersey, the average number of merger decisions currently hovers around a dozen each year.

We may distinguish three categories of concentration that are notified or notifiable (the JCRA has issued fines in the past for failure to obtain ex ante approval for a concentration) with the Channel Islands authorities. The first category concern purely national concentrations, i.e. mergers and acquisitions that involve undertakings that are active only in Jersey and/or Guernsey. The second category concern concentrations that have an effect in the United Kingdom. Often, distribution contracts for the United Kingdom actually also include distribution in the Channel Isles and hence may require notification with CICRA, either in addition to notification with the CMA or without a parallel notification to the CMA. The third category concerns concentration that affect many jurisdictions throughout the EU and also the Channel Islands. In this case, notification may be required in the Channel Islands in parallel with a notification with the EU.

OmniCLES has recently published an electronic document on CI merger control. The document includes an overview of the applicable threshold and procedures and an overview of all merger decisions by the Channel Islands' competition authorities that were published up to 1 January 2020. The document also includes other potentially useful information for future merger notifications, such as the timing of Jersey and Guernsey applications versus the associated EC notification in previous cases and a reference to the sector in which the Parties were active. You can send an email to rob.van.der.laan@omnicles.com to receive an order form. Please note that the pdf is available only to EU clients that have an EU VAT registration number.

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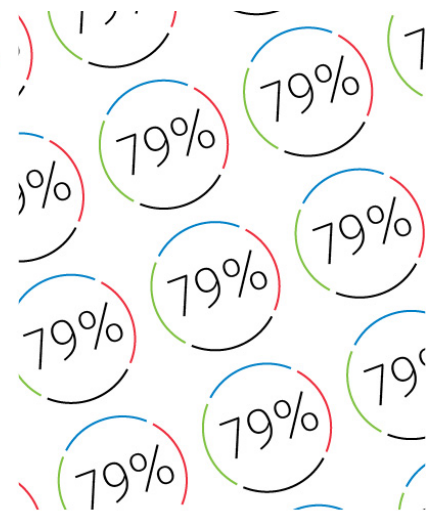
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