

Monthly E-Briefing (Issue 40 – May/June 2013)

Committee vacancies

The **Construction Law Committee** has two vacancies to fill as a result of the resignation of two existing members and is therefore seeking applications from prospective new members. [Click here](#) for details. Applications close **31st August 2013**.

The **Training Committee** has a vacancy to fill as a result of the resignation of one of the existing members and is therefore seeking applications from prospective new members. [Click here](#) for details. Applications close **31st July 2013**.

European Commission consultation “Draft proposal for a revised block exemption for technology transfer agreements and for revised guidelines”.

The **Competition Law** and **Intellectual Property Law Committees** recently jointly responded to the European Commission consultation “Draft proposal for a revised block exemption for technology transfer agreements and for revised guidelines”. ([Click here](#) for the consultation document and [click here](#) for the response.) The consultation related to the technology transfer block exemption regulation (“TTBER”) and accompanying Guidelines. The Commission has drafted a proposal for a revised TTBER and Guidelines and the consultation sought stakeholders’ views on this proposal. The submission stated generally that it welcomed the fact that the Commission had taken the step of proposing that the existing regulation and guidelines be retained, albeit with amendments. However, the submission expressed concern that a subtle change in wording between the current and the revised Guidelines may indicate that the Commission has shifted its ground and no longer views licensing restrictions in the proper commercial context. The submission went on to comment in more detail on the main changes that the Commission proposes to make to the existing regulation and guidelines.

European Commission consultation “EU merger control – Draft revision of simplified procedure and merger implementing regulation”

The **Competition Law Committee** also recently responded to the European Commission consultation “EU merger control – Draft revision of simplified procedure and merger implementing regulation”. ([Click here](#) for the consultation paper and [click here](#) for the response.) The consultation sought stakeholders’ views on a proposal to simplify certain procedures for notifying mergers under the EU Merger Regulation. The Commission stated that the proposal “aims to make EU merger control even more business-friendly by cutting red tape and streamlining procedures”. In its response, the Committee welcomed the Consultation for its underlying goal of reducing the burden on notifying parties and streamlining the EU merger notification process. It set out the recommendations of the CLLS in relation to the key provisions and amendments, and highlighted in particular two areas in which it stated that “the Commission has, as the revised documents are currently drafted, missed the opportunity to secure further benefits, namely pre-notification procedures and the

so-called “5.4” documents”.

Joint Insolvency Committee Consultation on the Proposed Amendments to SIP 16

The **Insolvency Law Committee** recently responded to the Joint Insolvency Committee Consultation on the Proposed Amendments to SIP 16. ([Click here](#) for the consultation paper and [click here](#) for the response.) The consultation concerned a revision of the Statement of Insolvency Practice (SIP) 16. The consultation stated that the revision of the SIP was “not a major rewrite” and would not seek to impose new requirements on insolvency practitioners. The submission responded in detail to some of the consultation questions.

Law Commission consultation on Rights to Light

The **Land Law** and **Planning & Environmental Law Committees** recently responded jointly to the Law Commission consultation on Rights to Light, and issued an associated press release. ([Click here](#) for the consultation paper, [click here](#) for the response and [click here](#) for the press release.) The consultation paper considered the law relating to the entire life-cycle of a right to light, from creation to extinguishment. It considered private law easements of light only, and made no proposals in respect of planning law. The response made a series of detailed comments and stated generally that the CLLS does not regard the Law Commission paper as a “developer’s charter,” as the proposals provide significant protection for those with an interest in property seeking to protect their light.

Questionnaire for the CLLS Certificate of Title 7th Edition

The **Land Law Committee** also published a Questionnaire for the CLLS Certificate of Title 7th Edition ([Read document](#)).

SRA Consultation “Red Tape Initiative - Phase 2: Removing unnecessary regulations and simplifying processes”

The **Professional Rules & Regulation Committee (“PR&RC”)** recently responded to the SRA Consultation “Red Tape Initiative - Phase 2: Removing unnecessary regulations and simplifying processes”. ([Click here](#) for the consultation paper and [click here](#) for the response.) The consultation concerned two proposals. Proposal 1 was expressed as removing an obligation of the compliance officers of the recognised bodies and sole recognised practitioners to report non-material breaches as part of the annual submission of information to the SRA. Proposal 2 concerned amendments to the SRA Practising Regulations 2011. In overview the CLLS welcomed these proposed changes, as being practical steps to reduce administrative and bureaucratic burdens on regulated firms, whilst maintaining the necessary protections for the profession and its practitioners and members of the public via a proportionate, risk based approach.

SRA’s “Consultation on New Overseas Rules”

The PR&RC also recently responded to the SRA’s “Consultation on New Overseas Rules”. ([Click here](#) for the consultation paper.) The consultation was intended to elicit any final comments on points of drafting detail on the proposed new section of the SRA Handbook on Practising Overseas and consequential amendments. The Committee made a number of general comments on the proposed new provisions ([Read response](#)) and also enclosed a suggested mark-up of the new provisions, with annotated drafting comments embedded (see [read mark-up document](#)).

FSA CP13/8 (“Publishing information about warning notices”)

The **Regulatory Law Committee** recently responded to FSA CP13/8 (“Publishing

information about warning notices”). ([Click here](#) for the consultation paper and [click here](#) for the response.) The consultation paper set out the FSA’s proposals on how the FCA will publish information about the subject-matter of a warning notice if it considers it to be appropriate. In its response, the Committee welcomed the opportunity to respond to the consultation paper, and made a number of comments on the FCA’s proposed approach to exercising its power to publish warning notices.

FSA CP13/9 (“Implementation of the AIFMD Part 2”)

The Committee also recently responded to FSA CP13/9 (“Implementation of the Alternative Investment Fund Managers Directive Part 2”). ([Click here](#) for the consultation paper and [click here](#) for the response.) This was the FSA’s second consultation on rules and guidance to transpose the AIFMD. The submission responded in detail to the consultation.

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