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Impala to meet EC commissioner Neelie Kroes

Katie Allen
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The independent music labels backing Warner's attempt to take over EMI will meet the European competition authorities on Friday but legal experts are increasingly questioning whether their support improves the chances of regulatory approval.

Ahead of the talks, competition lawyers stressed that support from the powerful lobby group Impala for Warner's approach to its struggling UK rival will have little influence on the European commission's deliberations over another music merger.

"It's an important factor but not a slam dunk factor," said Mike Pullen, head of DLA Piper's competition and trade team. "It's not going to be the piece of the jigsaw that gets the merger through."

Impala - the independents that derailed the merger of Bertelsmann's BMG record business with Sony - will be laying out their pact with Warner to Neelie Kroes, the European competition commissioner.

She may be prepared to look at Warner and Impala's agreement to cooperate on widening the independents' market share and access to consumers against a backdrop of declining global music sales, but the deal and the state of the industry will be only small considerations, according to many lawyers.

Thomas Hays at City law firm Lewis Silkin said that after the commission had its approval of the Sony BMG merger struck out by a European court last summer, it would

be particularly fastidious over any Warner-EMI merger.

"Now they will feel compelled to dot all the I's and cross all the T's and they will listen to all the complainants," he said.

Katherine Holmes, a competition lawyer at Reed Smith Richards Butler, said the key for Impala and Warner will be in persuading the commission this is a "permanent and structural" deal.

"Warner will have to satisfy the commission that the deal with Impala is not reversible," she said tonight.

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