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Antonio Manganelli, Antonio Nicita

The Future of Commercial Law Orkun Akseli, John Linarelli,2020-04-16 The reform of commercial law through harmonisation, unification, codification and other means remains one of the most important projects in developing the institutional architecture for the global economy. This edited collection engages with the challenges and contributes to a greater understanding of the problems faced by states, international organisations, and private sector actors in this ongoing reform project for commercial law. The volume takes stock of the project to date and looks towards a restructuring of the agenda to deal with new challenges. The primary aim of the collection is to understand the future of commercial law reform in a way that offers ideas and strategies for innovation as well as in methodologies for project selection and evaluation. In so doing, the collection informs the debate on the global reform of commercial law and will be of interest not only to academics, but also to those involved in the reform of commercial law around the world. The volume collects papers presented at the UK Society of Legal Scholars Annual Seminar 2017.

EU Competition Law, Data Protection and Online Platforms: Data as Essential Facility Inge Graef,2016-10-17 All are agreed that the digital economy contributes to a dynamic evolution of markets and competition. Nonetheless, concerns are increasingly raised about the market dominance of a few key players. Because these companies hold the power to drive rivals out of business, regulators have begun to seek scope for competition enforcement in cases where companies claim that withholding data is needed to satisfy customers and cut costs. This book is the first focus on how competition law enforcement tools can be applied to refusals of dominant firms to give

access data on online platforms such as search engines, social networks, and e-commerce platforms - commonly referred to as the 'gatekeepers' of the Internet. The question arises whether the denial of a dominant firm to grant competitors access to its data could constitute a 'refusal to deal' and lead to competition law liability under the socalled 'essential facilities doctrine', according to which firms need access to shared knowledge in order to be able to compete. A possible duty to share data with rivals also brings to the forefront the interaction of competition law with data protection legislation considering that the required information may include personal data of individuals. Building on the refusal to deal concept, and using a multidisciplinary approach, the analysis covers such issues and topics as the following: - data portability; - interoperability; - data as a competitive advantage or entry barrier in digital markets; - market definition and dominance with respect to data; - disruptive versus sustaining innovation; - role of intellectual property regimes; - economic tradeoff in essential facilities cases; - relationship of competition enforcement with data protection law and - data-related competition concerns in merger cases. The author draws on a wealth of relevant material, including EU and US decisionmaking practice, case law, and policy documents, as well as economic and empirical literature on the link between competition and innovation. The book concludes with a proposed framework for the application of the essential facilities doctrine to potential forms of abuse of dominance relating to data. In addition, it makes suggestions as to how data protection interests can be integrated into competition policy. An invaluable contribution to ongoing academic and policy discussions about how data-related competition concerns should be addressed under competition

law, the analysis clearly demonstrates how existing competition tools for market definition and assessment of dominance can be applied to online platforms. It will be of immeasurable value to the many jurists, business persons, and academics concerned with this very timely subject.

EU Competition Law Ariel Ezrachi, 2021-08-12 'This book should be in the library of every competition law practitioner and academic. The summary of cases is first class. But what makes it really stand out is the quality of the commentary and the selection of the material which includes not only the most important European judgements and decisions but also some of the leading cases from the US and European Member States.' Ali Nikpay, Gibson, Dunn & Crutcher LLP This unique book is designed as a working tool for the study and practice of European competition law, focused on case law analysis. Each chapter begins with an introduction which outlines the relevant laws, regulations and guidelines for each of the topics, setting the analytical foundations for the case entries. Within this framework, cases are reviewed in summary form, accompanied by useful analysis and commentary. The 7th edition includes recent judgments from the European Court of Justice on the scope of object and effects based analysis (including Generics and Budapest Bank), as well as those on abuse of dominance. It examines developments in parallel trade, online sales restrictions, advertising bans, enforcement powers and procedure. Expanding its coverage of merger decisions, it explores non-collusive oligopoly (including CK Telecoms) and the treatment of innovation and data under the EU Merger Regulation. This unique book offers the practitioner and competition law student an insightful guide to EU competition law cases, understanding of which is crucial. Rigorous, comprehensive and authoritative, it simply is a

must read.

Merger Control Review Ilene Knable Gotts, 2017-09-20 The Merger Control Review, edited by Ilene Knable Gotts of Wachtell, Lipton, Rosen & Katz, provides an overview of the process in 38 jurisdictions, as well as a discussion of recent decisions, strategic considerations and likely upcoming developments in Merger Control. Given the ability of most competition agencies with premerger notification laws to delay, and even block, a transaction, it is imperative to take each jurisdiction - small or large, new or mature seriously. It is, therefore, imperative that counsel for such a transaction develops a comprehensive plan prior to, or immediately upon, execution of an agreement concerning where and when to file notification with competition authorities regarding such a transaction. The intended readership of this book comprises both in-house and outside counsel who may be involved in the competition review of cross-border transactions. In our endeavour to keep our readers well informed, we have expanded the jurisdictions covered by this book to include the newer regimes as well with several special chapters covering US, EU and Chinese Merger Control in Media and Pharmaceutical sectors. Contributors include: Susan Ning, King & Wood Mallesons; James Langenfeld, Navigant; Goenenc Guerkaynak, ELIG; Mr Jordan Ellison, Slaughter and May. & quote; Each country section provides an informative overview of recent and expected enforcement trends... A very useful book!"e; - Jean-Yves Art, Associate General Counsel, Microsoft, Belgium

Law and Economics of Article 102 TFEU Robert O'Donoghue QC, Jorge Padilla, 2020-09-03 "a reference book in this area of EU competition law and a must-have companion for academics, enforcers and practitioners alike, as well as EU and national judges." Judge Nils Wahl, Court of

Justice of the European Union This seminal text offers an authoritative and integrated treatment of the legal and economic principles that underpin the application of Article 102 TFEU to the behaviour of dominant firms. Traditional concerns of monopoly behaviour, such as predatory pricing, refusals to deal, excessive pricing, tying and bundling, discount practices and unlawful discrimination are treated in detail through a review of the applicable economic principles, the case law and decisional practice and more recent economic and legal writings. In addition, the major constituent elements of Article 102 TFEU, such as market definition, dominance, effect on trade and applicable remedies are considered at length. The third edition involves a net addition of over 250 pages, with a substantial new chapter on Abuses In Digital Platforms, an extensively revised chapter on standards, and virtually all chapters incorporating substantial revisions reflecting key cases such as Intel, MEO, Google Android, Google Shopping, AdSense, Qualcomm.

Legal Issues of Mobile Apps Ioannis Iglezakis, 2020-05-12 In less than ten years touchscreen smartphones and their apps have created an unprecedented technological revolution. Yet they are rife with serious potential for breaches of privacy and security, and a lack of uniform rules makes navigation of the legal landscape extremely difficult. Addressing this unstable regulatory environment, this concise, practical guide for the first time provides a measure of legal certainty. It examines case law and legislation in Europe and the United States to highlight the rights and obligations of all actors involved in the marketing of mobile apps, bring to light essential principles and recommend some viable solutions. Nine experts, all versed in the latest developments in international and national laws and regulations affecting digital mobile

technology, examine such key topics as the following: contract law as applied to the sale and use of smartphone apps; intellectual property rights in mobile apps; protection of users; data protection; European Union (EU) medical device legislation and its safety implications for app users; fitness or wellness apps; apps' collection of personal data; apps as hostile code and malware delivery mechanisms; competition law issues; taxation of mobile apps; liability issues for app developers and distributors; and implications of the EU's new regulatory framework on online platforms. Because it is difficult for a basic user to understand how vulnerable everyday apps can be, and because every new information technology platform delivers new risks along with its benefits, legal practitioners working in a wide variety of fields will be increasingly called upon to engage with both personal and enterprise security and privacy breach cases arising from the use of mobile apps. This deeply informed practical analysis goes a long way toward ensuring appropriate handling of legal issues which arise in the mobile app context. Every practitioner, government official and software developer will welcome this much-needed volume.

Competition Law for the Digital Economy Björn Lundqvist, Michal S. Gal, 2019-12-27 The digital economy is gradually gaining traction through a variety of recent technological developments, including the introduction of the Internet of things, artificial intelligence and markets for data. This innovative book contains contributions from leading competition law scholars who map out and investigate the anti-competitive effects that are developing in the digital economy.

Corporate Acquisitions and Mergers in the European Union Riccardo Celli, Philippe Noguès, Christian Peeters, 2021-10-21 Derived from Kluwer's multi-volume Corporate Acquisitions and

Mergers, the largest and most detailed database of M&A know-how available anywhere in the world, this work by highly experienced partners in the leading international law firm O'Melveny & Myers LLP provides a concise, practical analysis of current law and practice relating to mergers and acquisitions of public and private companies in European Union. The book offers a clear explanation of each step in the acquisition process from the perspectives of both the purchaser and the seller. Key areas covered include: structuring the transaction; due diligence; contractual protection; consideration; and the impact of applicable company, competition, tax, intellectual property, environmental and data protection law on the acquisition process. Corporate Acquisitions and Mergers is an invaluable guide for both legal practitioners and business executives seeking a comprehensive yet practical analysis of mergers and acquisitions in European Union. Equivalent analyses of M&A law and practice in some 50 other jurisdictions, all contributed by leading law firms, are accessible on-line at www.kluwerlawonline.com under Corporate Acquisitions and Mergers.

Coherence Between Data Protection and Competition Law in Digital Markets

Majcher, 2024-01-13 In digital markets, data protection and competition law affect each other in diverse and intricate ways. Their entanglement has triggered a global debate on how these two areas of law should interact to effectively address new harms and ensure that the digital economy flourishes. Coherence between Data Protection and Competition Law in Digital Markets offers a blueprint for bridging the disconnect between data protection and competition law and ensuring a coherent approach towards their enforcement in digital markets. Specifically, this book focuses on the evolution of data protection

and competition law, their underlying rationale, their key features and common objectives, and provides a series of examples to demonstrate how the same empirical phenomena in digital markets pose a common challenge to protecting personal data and promoting market competitiveness. A panoply of theoretical and empirical commonalities between these two fields of law, as this volume shows, are barely mirrored in the legal, enforcement, policy, and institutional approaches in the EU and beyond, where the silo approach continues to prevail. The ideas that Majcher puts forward for a more synergetic integration of data protection and competition law are anchored in the concept of 'sectional coherence'. This new coherence-centred paradigm reimagines the interpretation and enforcement of data protection and competition law as mutually cognizant and reciprocal, allowing readers to explore, in an innovative way, the interface between these legal fields and identify positive interactions, instead of merely addressing inconsistencies and tensions. This book reflects on the conceptual, practical, institutional, and constitutional implications of the transition towards coherence and the relevance of its findings for other jurisdictions.

The Collaborative Economy and EU Law Vassilis Hatzopoulos, 2018-02-22 'Disruptive innovation', 'the fourth industrial revolution', 'one of the ten ideas that will change the world'; the collaborative/sharing economy is shaking existing norms. It poses unprecedented challenges in terms of both material policies and governance in almost all aspects of EU law. This book explores the application - or indeed inadequacy - of existing EU rules in the context of the collaborative economy. It analyses the novelties introduced by the collaborative economy and discusses the specific regulatory needs and instruments employed therein, most notably self-regulation. Further, it

aims to elucidate the legal status of the parties involved (traders, consumers, prosumers) in these multi-sided economies, and their respective roles in the provision of services, especially with regard to liability issues. Moreover, it delves into a sector-specific examination of the relevant EU rules, especially on data protection, competition, consumer protection and labour law, and comments on the uncertainties and lacunae produced therein. It concludes with the acute question of whether fresh EU regulation would be necessary to avoid fragmentation or, on the contrary, if such regulation would create unnecessary burdens and stifle innovation. Taking a broad perspective and pragmatic view, the book provides a comprehensive overview of the collaborative economy in the context of the EU legal landscape.

Competition Law and Big Data Beata Mäihäniemi,2020-02-28 In this timely book, Beata Mäihäniemi analyses and evaluates how the characteristics of information as a good, as well as the characteristics of digital platforms, affect the application of competition law in both theory and practice.

Challenges to Assumptions in Competition Law
David Bosco, Michal S. Gal, 2021-04-30 This timely
book addresses the contemporary complexities
within competition law, questioning whether the
founding principles of competition law still hold
true today. It explores three main present-day
challenges for competition law: the impact of the
digital economy and innovative sectors, the
challenges facing emerging countries, and current
institutional issues.

Big Data and the Abuse of Dominance by Multi-Sided Platforms Noby Thomas Cyriac, 2022-07-25 Der Autor untersucht interdisziplinär, inwieweit Art. 102 AEUV geeignet ist, den Wettbewerb vor dem missbräuchlichen Verhalten marktbeherrschender

Plattformen zu schützen. Nach einer ersten Erörterung der Grundlagen der digitalen Wirtschaft, insbesondere Big Data und mehrseitige Plattformen, werden die relevanten Konzepte, die von EU-Kommission und EU-Gerichten in ihrer Entscheidungspraxis zur Auslegung von Art. 102 AEUV entwickelt wurden, näher beleuchtet, um ihre Eignung für das Missbrauchsverbot mit Blick auf Plattformbetreiber vor dem Hintergrund der Besonderheiten mehrseitiger Märkte zu bewerten. Auch das Vorhandensein und die Abgrenzung eines Datenmarktes werden diskutiert.

New Developments in Competition Law and Economics Klaus Mathis, Avishalom Tor, 2019-03-18 This book further develops both the traditional and the behavioural approach to competition law, and applies these approaches to a variety of timely issues. It discusses several fundamental questions regarding competition law and economics, and explores the applications of competition law and economics. In turn, the book analyses the interplay of intellectual property rights and patents in various aspects of competition law, and investigates the impacts that developments in information technology, such as big data analytics, have on competition law. The book also discusses the impact of energy law reforms on energy markets from a competition law perspective. Competition law is a classic field of economic analysis. This is largely due to the fact that competition law uses terms such as market, price, and competition and must therefore rely on economic know-how and analyses. In the United States, economic analysis has greatly influenced not just the scholarship on antitrust law, but also judicial decisions and agency enforcement. Antitrust law and economics are based on the traditional paradigm of neoclassical economics, which relies on the assumption that the market players, i.e. consumers and producers, are

rational. This approach to competition law was later received in Europe under the banner of a "more economic approach". For the past two decades, behavioural law and economics, which seeks to generate better insights into legal phenomena by providing more realistic psychological foundations for economic models, and to offer a multitude of applications in legislation and legal adjudication, has challenged the traditional economic approach to law in general and, more recently, to competition law specifically.

European Competition Law Annual 2012 Philip Lowe, Mel Marquis, 2014-10-31 This volume contains papers presented at the 17th Annual EU Competition Law and Policy Workshop, organized by Philip Lowe and Mel Marquis and held at the European University Institute on 13-14 July 2012. From a variety of angles the book explores the themes of competition, regulation and certain public policies; their interactions; and, in some cases, their mutual tensions. The authors of the various chapters consider legal and economic issues relating to network industries, industrial, environmental and trade policies, and intellectual property and innovation policies, among others. Comparative views and the views of judges from different jurisdictions are provided, and techniques for mediating among different policy objectives and frameworks are discussed. Authors contributing to this book include: Rafael Allendesalazar, Robert D Anderson, Marco Boccaccio, Ginevra Bruzzone, Cristina Caffarra, Alexandre de Streel, Ian Forrester, Douglas Ginsburg, Geert Goeteyn, Calvin Goldman, Daniel Haar, Küllike Jürimäe, Suzanne Kingston, Lars Kjølbye, Paul Lugard, Mel Marquis, Veljko Milutinovic, Giorgio Monti, Anna Caroline Müller, Rosa Perna, Anthony Pygram, Philip Lowe, Pierre Régibeau and Jon Stern.

The Notion of Restriction of Competition Damien Gerard, Massimo Merola, Bernd Meyring, 2017-03-16 The transformations induced by the process of "modernisation", including in its substantive dimension, as well as recent judgments by the EU Courts, have left many lawyers and economists wary as to the standards actually governing findings of antitrust infringement under EU competition law, thereby affecting their ability to advise businesses effectively on the design of their commercial practices. While not ignoring institutional constraints, this volume revisits the notion of restriction of competition in the framework of Articles 101 and 102 TFEU with a view to taking stock of recent developments, to identifying common trends and to informing the application of core EU antitrust principles in current market contexts. Associating lawyers and economists, practitioners and academics, it seeks both to revisit long-standing theories of harm to competition and to explore novel forms of antitrust concerns.

The Law of the European Union and the European Communities Pieter Jan Kuijper, Fabian Amtenbrink, Deirdre Curtin, Bruno De Witte, Alison McDonnell, 2018-09-28 The Law of the European Union is a complete reference work on all aspects of the law of the European Union, including the institutional framework, the Internal Market, Economic and Monetary Union and external policy and action. Completely revised and updated, with many newly written chapters, this fifth edition of the most thorough resource in its field provides the most comprehensive and systematic account available of the law of the European Union (EU). Written by a new team of experts in their respective areas of European law, its coverage incorporates and embraces many current, controversial, and emerging issues and provides detailed attention to historical development and

legislative history of EU law. Topics that are constantly debated in European legal analysis and practice are touched on in ways that are both fundamental and enlightening, including the following: .powers and functions of the EU law institutions and relationship among them; .the principles of equality, loyalty, subsidiarity, and proportionality; .free movement of persons, goods, services, and capital; .mechanisms of constitutional change - treaty revisions, accession treaties, withdrawal agreements; .budgetary principles and procedures; .State aid rules; .effect of Union law in national legal systems; .coexistence of EU, European Convention of Human Rights (ECHR), and national fundamental rights law; .migration and asylum law; .liability of Member States for damage suffered by individuals; .competition law - cartels, abuse of dominant position, merger control; .social policy, equal pay, and equal treatment; .environmental policy, consumer protection, public health, cultural policy, education, and tourism; .nature of EU citizenship, its acquisition, and loss; and .law and policy of the EU's external relations. The fifth edition embraces many new, ongoing, and emerging European legal issues. As in the previous editions, the presentation is notable for its attention to how the law relates to economic and political realities and how the various policy areas interact with each other and with the institutional framework. The many practitioners and scholars who have relied on the predecessors of this definitive work for years will welcome this extensively revised and updated edition. Those coming to the field for the first time will instantly recognize that they are in the presence of a masterwork that can always be turned to with profit and that helps in understanding the rationale underlying any EU law provision or principle.

Regulating Digital Markets Antonio Manganelli, Antonio Nicita, 2022-03-09 This book illustrates the challenges that regulators and policy makers have faced in the transition from the 'old' network industries to the new digital ecosystem. It succinctly describes the evolution of digital economy, its main actors, notably global digital platforms, as well as its interactions, interdependences, and trade-offs. Eventually, it proposes insights about why public rules are needed, what kind of rules could be more effective, fair, and efficient, and who should pose and enforce them. The book is opened by an introduction, dealing with Digital Transformation, Big Techs, and Public Policies, which provides a general conceptual and thematic framework to the following analysis but could be also read as a stand-alone paper. The following chapters are grouped in two parts: I. The Evolution of Digital Markets and Digital Rights, and II. Regulating Big Tech's Impact on Market and Society. The secondary title - the European approach - has a twofold meaning. It highlights the fact that this work has a clear focus on EU law and policy - although the economic and institutional issues addressed are global phenomena, common to all world's economies. In addition, it also underlines that European digital policy is not yet complete and effective. This book intends to provide a small contribution to the ongoing policy making process, as well as to the wider academic and policy debate.

Competition Law and Economic Inequality Jan Broulík, Katalin Cseres, 2022-12-15 The gap between the rich and poor is widening across the globe. This book explores whether this major societal challenge of our time can be addressed by the means of competition law. The primary goal of today's competition law is to ensure that market power does not lead to an inefficient production of goods and services. Nevertheless, even such

efficiency-oriented curbing of market power may arguably contribute to the reduction of differences in how much people own and earn. Furthermore, many competition law regimes do take into account distributive considerations too. The chapters investigate the relationship between competition law and economic (in)equality from philosophical, historical, and economic perspectives. Their inquiries concern the conceptual foundations of competition law and doctrinal frameworks of individual jurisdictions, as well as specific problems and markets. As such, the book provides a novel and comprehensive overview of whether and how competition law can contribute to more equality in both developed and developing countries. The book is a must-read for researchers, public officials, judges, and practitioners within the competition law community. It will also appeal to anyone more broadly interested in issues of inequality and economic policy.

Big Data and Competition Law Alptekin Koksal, 2023-11-13 Recent studies on competition law and digital markets reveal that accumulating personal information through data collection and acquisition methods benefits consumers considerably. Free of charge, fast and personalised services and products are offered to consumers online. Collected data is now an indispensable part of online businesses to the point that a new economy, a data-driven sector, has emerged. Many markets such as the social network, search engine, online advertising and ecommerce are regarded as data-driven markets in which the utilisation of Big Data is a requisite for the success of operations. However, the accumulation and use of data brings competition law concerns as they contribute to market power in the online world, resulting in a few technology giants gaining unprecedented market power due to

the Big Data accumulation, indirect network effects and the creation of online ecosystems. As technology giants have billions of consumers worldwide, data-driven markets are truly global. In these data-driven markets, technology giants abuse their dominant positions, but existing competition law tools seem ineffective in addressing market power and assessing abusive behaviour related to Big Data. This book argues that a novel approach to the data-driven sector must be developed through the application of competition law rules to address this. It argues that current and potential conflicts can be mitigated by extending the competition law assessment beyond the current competition law tools to offer a modernised and unified approach to the Big Data-related competition issues. Promoting new legal tests for addressing the market power of technology giants and assessing abusive behaviour in data-driven markets, this book advocates for cooperation between competition and data protection authorities. It will be of interest to students, academics and practitioners with an interest in competition law and data protection.

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