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Latest News from The Competition Law Hub 05. March 2024



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Competition Law in Conversation: MDN 2024

The European Commission just published its revised [Market Definition Notice](#) (MDN), which contains important guidance on digital market definition. On 18 March 2024, join us for an episode of [Competition Law in Conversation](#) to discuss the digital elements in the new Notice with Thomas Büttner (European Commission) and Magali Eben (University of Glasgow). The session is moderated by [Vicky Robertson](#). You can register [here](#).



Let's Talk Competition: Market Definition

On 29 February 2024, [Vicky Robertson](#) participated in the European Commission's *Let's talk competition* series on the new Market Definition Notice. With her on the panel were Guillaume Loriot (DG COMP) and Aleksandra Boutin (Positive Competition), while Natalie McNelis (Mlex) moderated. You can rewatch the episode [here](#).

EU Competition Law and Data Protection

In a forthcoming chapter, [Klaudia Majcher](#) discusses the interactions between EU competition law and data protection in digital markets. She focuses on two areas of competition law, namely abuse of a dominant position and merger control, and explores how to make them more coherent with data protection. You can access it [here](#).

Interactions between EU Competition Law and Data Protection in Digital Markets: Striving for Coherence
Chapter in *Peer Long Plets, Maria Alexandra Bess and Marco Butti, Research Handbook on Competition and Technology* (Edward Elgar Publishing, forthcoming 2024)
95 Pages • Hardback
Vicky Robertson
Vrije Universiteit Brussel (VUB), The Competition Law Hub
Date Written: February 5, 2024

ecolex WETTBEREBS- UND IMMATERIALGÜTERRECHT

Kartellaufdeckung 2.0
Bühnenbild: In der ersten Ausgabe des Wettbewerbsrechts wurden zwei unterschiedliche Möglichkeiten zur Kartellaufdeckung...
A. Datengestützte Methoden zur Aufdeckung von Kartellverstößen
B. Datenbasierte Kartellvermeidung...

Cartel Detection Reloaded

Data-driven methods, such as cartel screenings, offer competition authorities new and versatile tools for detecting competition law infringements. To achieve actual practical relevance, the outputs of such screenings satisfy certain evidentiary standards. In an analysis carried out within the realm of the [DataComp](#) project, [Franziska Gugig](#) and [Vicky Robertson](#) shed light on this question from perspective of Austrian competition law proceedings. The paper can be accessed [here](#).

Theories of Harm in Digital Mergers

In her recent contribution, published in the [European Competition Journal](#), [Vicky Robertson](#) discusses adapting theories of harm in digital merger control. Based on her 2022 [Report to the European Commission](#) and her 2023 background paper for the [QECDD](#), Vicky shows trends and discusses challenges in the application of traditional theories of harm to digital merger cases based on an empirical survey of 97 national merger cases in the EU Member States and the United Kingdom.

EUROPEAN COMPETITION JOURNAL
<http://mc.manuscriptcentral.com/compj>
Routledge
Taylor & Francis Group
OPEN ACCESS
Check for updates
Digital merger control: adapting theories of harm
Viktoria H. S. E. Robertson ©
ABSTRACT
The rising concentration in digital platform markets raises the question to what extent traditional merger control is effective in these market environments. This contribution sheds a light on ways in which national competition authorities throughout the European Union and in the United Kingdom have adapted their analyses to the specific characteristics and complexities of digital markets. Through detailed case studies, I offer insights into ways in which horizontal, vertical and conglomerate theories of harm were made relevant to digital markets. At the same time, the case analysis shows areas in which competition law should further develop theories of harm in line with the insights into these market environments, particularly as regards ecosystem theories of harm.

Strategic Foresight and EU Competition Law

Klaudia Majcher* and Viktoria H.S.E. Robertson**

Abstract

Competition law and policy want to ensure the long-term competitiveness of markets to the ultimate benefit of consumers. This requires thinking about and shaping the markets of tomorrow. Strategic foresight represents a powerful tool at the disposal of competition authorities that need to engage in prospective analyses, set priorities in line with their long-term strategic goals and devise pertinent soft law guidance for future enforcement. But what is strategic foresight? What are its limits, and how could it be incorporated into competition law and policy? In this primer on strategic foresight and EU competition law, we discuss areas of competition law that could benefit from incorporating strategic foresight, while also setting out the challenges such as the standard of proof, legal certainty and resource limitations.

Keywords

Efficiencies, EU competition law, merger control, new tools, priority-setting, remedies.

State Aid and Covid 19

The second part of [Petar Petrov's article](#) on state aid and COVID-19 in the air transport sector (in German) was published in issue 4 of Zeitschrift für Beihilfenrecht (BRZ). This article focuses on the impact of COVID-19 on air carriers and on the latest developments in the field of state aid in this sector.

To shape tomorrow's markets in line with the Treaties' objectives, EU competition law needs new methodological tools. Could strategic foresight be one of them? In a new working paper, [Klaudia Majcher](#) and [Vicky Robertson](#) explore how competition law could rely on strategic foresight as a tool for anticipating and navigating change. Read it [here](#).



Five Questions for Natalie Harsdorf-Borsch

For the newest edition of the Journal of German and European Competition Law, [Vicky Robertson](#) posed five questions to Natalie Harsdorf-Borsch, the new Director General of the Austrian Federal Competition Authority. Among others, they discussed her vision for the authority, international cooperation in antitrust and the continued need for female networks in competition law. To read the interview, click [here](#).

 [Our Website](#)

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