

Economic Assessment of Mergers Under European Competition Law

Gore, Daniel; Lewis, Stephen

Online Economic Assessment Mergers European Competition

Anthony S. Fauci



Online Economic Assessment Mergers European Competition:

Big Tech Acquisitions and Merger Control Nils Stock, 2025-09-30 Big Tech Acquisitions and Merger Control Challenges Posed by Digital Platforms and Ecosystems Nils Stock Although legal analysis of merger related firm dominance in Big Tech has emphasised the so called GAFAM Google Amazon Facebook Apple and Microsoft this important book stresses the necessity for a much broader view Numerous large tech platforms continue to seek dominance in and across various market segments by acquiring small start up companies with high competitive potential but yet little or no turnover thereby running the risk of escaping antitrust scrutiny This phenomenon is now often referred to as killer acquisitions and it raises problems with regard to both the jurisdictional and the substantive aspects of merger control which this book addresses comprehensively Focusing on legislative initiatives and enforcement practice especially in the European Union and the United Kingdom and through an in depth analysis of the most prominent decisions concerning Big Tech acquisitions the author spells out the nature of such relevant legal issues and strategies as the following the economic principles of platform competition and the particularities of digital ecosystems including their implications for merger control an extensive comparison of different jurisdictional rules and notification requirements beyond standard turnover thresholds how Big Tech acquisitions can be subjected to scrutiny in the European Union via referrals under Article 22 of the European Union Merger Regulation EUMR potentially in combination with national call in tools and or Article 14 of the Digital Markets Act DMA and how the latter compares to the reporting requirement under the Digital Markets Competition and Consumers DMCC Act in the United Kingdom market definition and market power assessments including but not limited to social media and advertising markets how both traditional and novel theories of harm can be applied in the context of digital platforms and ecosystems application of theories of harm relating to killer acquisitions and reverse killer acquisitions the development of an ecosystem theory of harm and artificial intelligence as the new frontier Policy proposals and the academic legal literature are taken into account with due regard to economic considerations as well With competition authorities and legislators worldwide grappling to find an appropriate response to the expansion and consolidation of dominance in various digital markets it appears necessary to contemplate alternatives to the current turnover based notification thresholds and to rethink the substantive assessment of Big Tech acquisitions This book with its thorough guidance on the characteristics challenges and treatment of digital platforms and ecosystems in the context of merger control and its clear exposition of applicable theories of harm will greatly assist practitioners competition authorities and policymakers to successfully navigate through the challenging tasks of establishing jurisdiction defining relevant markets and assessing market power and competitive harm

The Economic Assessment of Mergers Under European Competition Law Daniel Gore, 2013 Provides a clear concise and practical overview of the key economic techniques and evidence employed in European merger control

Competition on the Internet Gintarė Surblytė, 2014-11-24 Undeniably widespread and powerful as it is the Internet is not

almighty it can reach as high as the skies cloud computing but it cannot escape competition Yet safeguarding competition in the network of networks is not without challenges not only are competitive processes in platform based industries complex so is competition law analysis The latter is often challenged by the difficulties in predicting the outcome of competition in particular in terms of innovation Do the specific competition law issues in a digital environment presuppose a reconsideration of competition law concepts and their application Can current competition law tools be adjusted to the rush pace of dynamic industries To what extent could competition law be supplemented by regulation is the latter a foe or rather an ally This book provides an analysis of recent developments in the most relevant competition law cases in a digital environment on both sides of the Atlantic the EU and the US and assesses platform competition issues from a legal as well as an economic point of view

Eurasian Business and Economics Perspectives Mehmet Huseyin Bilgin,Hakan Danis,Ender Demir,2021-01-29 This book presents selected papers from the 30th Eurasia Business and Economics Society EBES Conferences held in Kuala Lumpur Malaysia The theoretical and empirical papers gathered here cover diverse areas of business economics and finance in various geographic regions including not only topics from HR management finance marketing but also contributions on public economics political economy and regional studies Resale Price Maintenance and the Law Christy Kollmar,2023-03-31 The question of how to properly enforce against RPM has been a contentious debate for decades on both sides of the Atlantic The catalyst is the acceptance that RPM can generate both anti competitive effects and pro competitive efficiencies that need to be properly balanced to ensure against Type I Type II errors and to create viable legislation Part I focuses on 100 years of US origins and the current legal approach to VR enforcement which reveals the precedent responsible for the transition between per se illegality and the rule of reason thresholds at the federal level Nine anti competitive and 19 pro competitive theoretical models are also introduced to clearly demonstrate the true nonconsensus existent between economists as to whether RPM is deleterious enough to justify a stringent approach to RPM regulation Part II closely examines the EU origins and current legal structure where RPM has maintained its hardcore by object designation pursuant to Art 101 1 TFEU with the consequence of having no safe harbours no applicability of the De Minimis Doctrine an onerous negative rebuttable presumption non severability of the agreement and almost no chance of obtaining an exemption under Art 101 3 This is exacerbated by the EC s lack of guidance on how to prove all conditions necessary for an Art 101 3 exemption and when a vertical arrangement actually escapes Art 101 1 applicability The aim of this book is to examine the economic models historical origins and legal structures of the US EU regimes to develop proposals on how to modify the EU s current legal structure to ensure proper enforcement of RPM behaviour that actually enhances legal certainty through a more aligned approach at the national level Part III proposes five solutions which scrutinise the concepts of appreciability hardcore and by object restraints to implement modifications to EU s current legal framework to ensure RPM receives reasonable and equitable treatment in line with economic theory **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 e commerce 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

Commercial and Arbitration Law of the Digital Economy Robert

Walters,2024-08-01 This book discusses the importance of the digital economy and its most pressing challenge the onset of quantum and critical technology It looks at how its implementation either on its own or coupled with artificial intelligence impacts commercial and arbitration law International trade and investment are increasingly being integrated within national security policy and the law to protect the nation state A failure to safeguard personal and commercial data will allow other state and non state actors to set the rules that do not align with the values of the rule of law and transnational rules based system This book argues that it is necessary to establish a principles based approach to governing the development and use of these technologies Chapters touch on the application of smart contracts arbitration as well as mergers and acquisitions and their potential weaponisation in the digital economy due to their ability to transcend national security Elements of intellectual property particularly patents and trademarks and how international legal instruments have directed national law making are also explored This is a useful reference for governments regulators legal technologists and policy experts This is also of interest to scholars looking at personal and commercial data in relation to intellectual property contracts and international commercial arbitration law

Competition Law's Innovation Factor Viktoria H S E Robertson,2020-02-20

In recent years market definition has come under attack as an analytical tool of competition law Scholars have increasingly

questioned its usefulness and feasibility That criticism comes into sharper relief in dynamic innovation driven markets which do not correspond to the static markets on which the concept of the relevant market was modelled This book explores that controversy from a comparative legal perspective taking into account both EU competition and US antitrust law It examines the manifold ways in which courts and competition authorities in the EU and US have factored innovation related considerations into market delineation covering innovative product markets product differentiation future markets issues going beyond market definition proper such as innovation competition innovation markets and potential competition intellectual property rights innovative aftermarkets and multi sided platforms This book finds that going forward the role of market definition in dynamic contexts needs to focus on its function of market characterisation rather than on the assessment of market power

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 so called 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 trade off 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 decision making 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 *Telecommunications, Broadcasting and the Internet* Laurent J. H. F. Garzaniti,Matthew O'Regan,2010 Sweet and Maxwell Statutes offer accurate and comprehensive coverage of all core and several popular optional subjects on current law courses Compiled using data from WestlawUK each text provides the most up to date statutory material This statute book covers environmental law *European Economy* ,2003 **Report on Competition Policy 2010 : Including Commission Staff Working Document** European Commission,2011 **Index to Legal Periodicals & Books** ,2006

The EC Merger Regulation Alistair Lindsay,2003 EC Merger Regulation is a specifically practical mergers book It provides a working guide to the most crucial EC Merger Regulation issues with the purpose of supplying Competition and EC law practitioners with the key information and effective techniques they need to complete merger deals successfully Throughout it is alive to the practical issues involved and discusses them in lawyers terms A highly practical rather than theoretical treatment supplying clear answers to lawyers questions about the process Focuses on what lawyers negotiating the EC Merger Regulation process need to know to steer a deal through effectively Analyses the way in which the Commission reaches its decisions Examines the practical lessons from the substantial volume of case law and jurisprudence in this area *Transatlantic Governance in the Global Economy* Mark A. Pollack,Gregory C. Shaffer,2001-05-23 This important book examines transatlantic economic relations in the 1990s and in particular efforts by the United States and the European Union to establish new forms of governance to cope with increasing economic interdependence The authors explain the development of transatlantic cooperation culminating in the multi leveled governance mechanisms of the New Transatlantic Agenda They assess as well central questions about the nature of transatlantic governance as reflected in competing international relations theories of intergovernmental transgovernmental technocratic and transnational civil society relations Bringing together leading scholars from political science and law the book provides a rich mix of analytic and normative perspectives that will be an invaluable resource for scholars students and policymakers alike European Access ,2002 **The Burwell Directory of Information Brokers** ,1995 The Wall Street Journal ,2009 Subject Guide to Children's Books in Print 1997 Bowker Editorial Staff,R R Bowker Publishing,1996-09 Antitrust Analysis Phillip Areeda,Louis Kaplow,Aaron S. Edlin,2004 The book builds on the strengths that have made it such a longtime favorite exceptional authorship with two of the leading lawyer economists of the early 21st century revising and updating the work of Phillip Areeda the leading antitrust commentator of the 20th century effective pedagogy traditional casebook with cases explanatory text and problems insightful textual examples that convey essential background information and necessary economic principles thorough Appendix containing Selected Statutes the Sherman Act the Clayton Act and the Federal Trade Commission Act complete Teacher s Manual

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