

Articles

WERNER BERG AND MIKLOS
MUDRONY

Under the radar of public attention? — EU Merger Control 2016 251

In 2016 unilateral concerns remained the most prominent theory of harm, but co-ordinated effects had a revival, being the basis for two interventions. So-called 4-to-3 mergers are still under specific scrutiny and innovation has become a key consideration. Upfront buyer requirements have become the norm rather than remaining the exception.

HANNA STAKHEYEVA AND FEVZI M.
TOKSOY

Merger control in the Big Data world: To be or not to be revisited? 265

The article looks at recent merger control cases in digital markets and assesses whether there is a real need to introduce a “value of transaction test”. It concludes that merger control rules do require certain adaptation to challenges posed by Big Data, particularly in terms of introducing the alternative threshold, and reassessing role of market shares in digital markets, and co-ordination between the competition and data protection authorities.

PAUL HUGHES

Bright line or barbed wire? The classification of supplier influence over resale prices under EU competition law 272

This article will analyse the manner in which restrictions “by object” have been evaluated in the EU and the UK. It will consider the rationale for MAP and its regulatory consequences, and analyse the position adopted publicly by the UK Competition and Markets Authority (CMA) towards MAP and RPM and the EU Commission’s approach to categorising RPM and the resultant impact on businesses arising from this classification process. The article will also evaluate the economic and legal perspectives relating to distribution efficiencies.

MACIEJ BERNATT

McWane and judicial review of Federal Trade Commission decisions: any inspirations for EU competition law? 288

The article studies how intensively the administrative decisions of the European Commission’s counterpart—the US Federal Trade Commission—are reviewed by the US courts. The article shows that the US model of review as well as the FTC institutional structure may serve as a point of reference with respect to improvement of procedures in EU competition law.

Comment

DR ROB VAN DER LAAN

Channel Island competition law enforcement: a new direction? 295

I will provide an overview of the decisions by the Channel Islands competition authorities over the year 2016. Retroactive approval was granted for a merger that was not notified, an abuse of a dominant economic position was identified but not punished. The question that imposes itself is whether the CICRA still has the will to use its teeth.

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DAVID MAMANE

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