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This article discusses the increased call for stricter competition policy towards online platforms and digital markets. In this context, we use the example of a specific online platform, Booking.com, to demonstrate that a more sophisticated understanding and dynamic approach is needed to make competition policy effective and in the interest of consumers. Online platforms are not a specific industry or market, and there is wide diversity of platforms. The article concludes with a few recommendations to make competition policy towards online platforms more effective.

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On 27 November 2019, the Danish Supreme Court decided that Eurostar Danmark A/S and GVCO A/S could have submitted independent bids for several lots of the same tender for road-marking services. In effect, the joint bidding among the two companies constituted an anti-competitive agreement between competitors. The judgment is one of several in the Nordics over the last couple of years concerning joint bidding or other forms of tender collaboration. These cases form part of a national trend of increased enforcement against joint bidding—and a strict approach to joint bidding as a “by object” restriction of competition. This article scrutinises how to balance this strict national approach with the guidance on object restrictions in CJEU case law, as well as the Commission guidance on horizontal co-operation agreements and bid rigging. The article also investigates whether there is a divide between the legal approach taken and the business context in which the joint bidding takes place.

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In an environment where populism has the potential to drive regulation and where daily internet use means dealing with a very few, very big, businesses, the concept of decentralisation is attractive. We are now at a stage where technology-powered decentralisation has the potential to have sweeping effects on the economy and on personal lives. It might even be expected that decentralisation does not raise serious competition law issues. This article analyses digital ledger technology as a tool to implement decentralisation. It provides an overview of the current blockchain landscape. It also offers a framework of analysis by first clarifying the concept of decentralisation. It analyses decentralised ecosystems by adopting a systems perspective. In doing so, it draws the important distinction between blockchain and distributed ledger technology as centralised systems and those which actually offer decentralisation. The article uses the broad conceptual framework that it develops to discuss a selected number of potential competition policy aspects related to blockchain ecosystems.

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For the purposes of standing to bring damages actions for harm suffered before a national court as a result of the infringement of EU competition law any individual is defined by the CJEU as the capacity of that individual to demonstrate evidence of harm and a causal link between the infringement and the harm suffered. A contractual relationship between the infringer and the alleged victim is not necessary.

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