

Editorial

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CK Telecoms v Commission: a heightened and universal standard of proof under the EUMR? 587

CK Telecoms UK Investments v Commission (T-399/16) raises questions as to whether the standard of proof under the EUMR has been raised and, if so, whether such (raised) standard applies to all types of mergers. Though this point of law is understood to have been appealed to the ECJ, this article seeks to contribute towards providing a response to these questions in the interim.

TILMAN KUHN & CRISTINA CAROPPO

Sustainability in merger control – time to broaden the discussion 596

In this article, we discuss how sustainability may affect merger control practice in the future, and what reasonable ways there are to reflect sustainability considerations within and outside the merger control framework. We address some pressing questions that arise, such as whether it seems worth “sacrificing” some of the established merger control parameters for the “greater good” of sustainability.

PAT TREACY & ALEX LATHAM

Blockchain and competition law 602

Blockchain technology is heralded as a revolutionary force with the potential to radically alter the commercial and legal landscape in which we operate. This article examines the fundamentals of this new technology, highlights aspects of the blockchain ecosystem which are of interest from a competition law perspective and examines the possible solutions to the new problems it may present.

ULRICH SOLTÉSZ

Commission dreams of hybrid creatures: new tools under the White Paper on foreign subsidies 609

With the “White Paper on levelling the playing field as regards foreign subsidies”, which it presented on 17 June 2020, the EU Commission is entering new territory. The reason for this project is the increasing penetration of state-supported undertakings from Asia, particularly China, into the EU. The White Paper is a bold effort to merge various competition law elements of state aid, abuse and merger control and public procurement law with instruments from trade law and investment control. The new instruments could certainly prove to be very time-consuming and expensive for companies.

DR FARRUKH NAWAZ KAYANI

A comparative study upon the merger control regime of China and the United Kingdom 615

Merger and acquisitions are a serious threat to the phenomenon of competition in the economy. However, not all the mergers and acquisitions are catastrophic, dicey, dangerous or disastrous. Only the anti-competitive mergers pose a serious threat to competition and they also affect the welfare of consumers. China is a towering economic giant and as a new entrant in the club of competition law; its merger control regime is of great interest to the rest of the world. China’s efforts to catch up with the merger regimes of developed countries are extremely impressive and promising. The UK was the second country after the US to possess a detailed, comprehensive and fully-fledged merger control regime. UK merger control is governed by the Enterprise Act 2002 as amended by the Enterprise and Regulatory Reform Act 2013. In this article we discuss thoroughly the merger control regimes of China and the UK.