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Anti-competitive discrimination by digital platforms 88
This article addresses anti-competitive exclusionary discrimination by digital platforms in EU competition law. On the basis of an analysis of non-discrimination outside the context of digital markets and in sectoral legislation, we find that a non-discrimination perspective can help to ensure open markets whilst preserving the incentive to innovate and operate efficiently as well as equality of opportunity.

Commission decisional practice on state aid for large regional development projects 98
The article examines Commission decisions on regional state aid for large investment projects. It finds that the strict criteria applied by the Commission in its assessment of the need and amount of state aid and the scaling down of state aid for large investment projects prevent Member States from granting excessive amounts of aid. However, the aid per job created and the size of the investment per job created vary significantly from case to case. This variation suggests that it is not safe for Member States to assume that large investment projects have the same impact on regional development. Therefore, they should carefully choose the projects to support. The article also identifies mistakes that are easily avoided.

On the need of a (genuinely) more economic approach in European State aid control in times of economic uncertainty 106
The author presents the argument that the existing methods of assessing State aid measures' competitive impact, especially the approach inherited from the wave of aid measures adopted in response to the Covid pandemic, is not suitable in present circumstances where amid the overall uncertainty, economic difficulties are lingering, but less extreme than following the initial Covid outbreak. As the economy enters a period of uncertainty, Keynesian stimuli and other individual or sectoral subsidization programs tend to increase government expenditures. Aside from cataclysmic events, such as during the initial Covid lockdowns, where the need for urgent assistance trumps all other considerations, the "regular" horizontal and sectoral State aid regimes remain applicable, and they will play a key role during the prolonged but not extreme economic difficulties. Economically sound criteria for the assessment of State aid measures can thus help to reconcile spending needs with tightening budget constraints. In this context, by placing the EU State aid law on a wider canvas of the internal market and the EU Treaties' system in general, the author will argue that a robust economic analysis in State aid cases is not only economically, but also legally required. Then the author will analyse the current interpretative approach to the assessment of the effects of State aid on competition and trade, which is often criticized as perfunctory and not based on sufficient methodological rigour, and put forward a case for its revision.

Merger control beyond merger thresholds and the multiplication of ex ante merger notification obligations 117
The regulatory requirements for mergers and acquisitions continue to increase dramatically, beyond the proliferation of national FDI regimes, with case law developments enhancing the competition authorities powers and new ex ante notification obligations under the DMA and foreign subsidies regulations. This article discusses the case law and legislative developments.

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