

Articles

JORGE PADILLA, THILO KLEIN, PAUL REYNOLDS AND MARTIN WICKENS

Do Four-To-Three Mobile Mergers Harm Consumers? A Review of Post-Merger Effects and Concentration Studies 180

This report presents a meta-study of empirical studies of the relationship between mobile market concentration or consolidation and prices, investment and quality, as well as new findings in relation to whether earlier mobile mergers impacted the rate of decline in average revenue per gigabyte consumed, which we use as a proxy for quality-adjusted prices. In setting out the findings of all such empirical studies of four-to-three mobile mergers since 2010 that we are aware of, the aim of the paper is to ensure a better evidence base for authorities in assessing whether proposed mergers are likely to benefit or harm consumers. In particular, we assess to what extent mergers in markets with four operators have been found to have consistent effects on prices, investment and quality or, where differences in effects have been found, what factors explain those differences. We find that when the empirical literature is considered in the round, previous four-to-three mergers typically had little effect (if any) on prices and led, in many cases, to significant improvements in the quality of the merging parties and better national average network quality relative to other countries. We also find that the average revenue per gigabyte consumed (as a measure for quality-adjusted prices) generally fell either at a faster rate post-merger or at a similar rate as pre-merger. Finally, we show why a comprehensive review of previous studies can better inform policy decisions compared with reliance on any individual study or on selective references to evidence.

GAVIN MURPHY

Canada’s Commissioner of Competition awarded a further two years term despite Rogers/Shaw merger debacle 220

Canada’s Competition Tribunal levied nearly \$13 million in costs against the Commissioner of Competition on 28 August 2023 for unsuccessful litigation in the Rogers/Shaw telecommunications merger case. Nevertheless, he was awarded a further two year term as Commissioner on 20 December 2023, days after new provisions to strengthen Canada’s competition law came into force. Gavin Murphy reports.

ROB VAN DER LAAN

New Merger Filing Thresholds in Saudi Arabia 225

Saudi Arabia on 1 November 2023 changed its notification thresholds. The joint worldwide turnover criterion was supplemented with a materiality criterion and local nexus criterion based on local joint turnover. The alternative threshold that at least two of the parties have a minimum turnover would exclude vertical concentrations that are possibly more relevant to Saudi Arabia.

QUENTIN B. SCHÄFER

Valve v Commission (Case T-172/21)—The territorial and probabilistic character of intellectual property rights in competition enforcement 229

Examines the effect of *Valve v Commission* (T-172/21, ECJ) on the relationship between intellectual property and EU competition law, in particular whether the Court’s case law conflicts with the territorial character of intellectual property rights and whether the decision relies excessively on the probabilistic nature of intellectual property rights. Considers the complementarity of intellectual property law and competition law.

Book Review

DR. ARNDT CHRISTIANSEN

Research Handbook on Global Merger Control by Ioannis Kokkoris (ed.) and Nicholas Levy (ed.) 236

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