

## Editorial

PROFESSOR NICOLAS PETIT

Editorial: Issue 9 385

## Articles

DR RENÉ GALLE AND DR IOANNIS THANOS

### **Antitrust Aspects of Bidding Consortia in M&A Transactions: To Jointly Bid or Not to Jointly Bid, That Is the Question 387**

Joint bidding in M&A auctions can have antitrust implications even where the jointly bidding parties do not have overlapping activities (e.g., cooperation between a strategic and a financial investor). Depending on the structure of the cooperation, M&A joint bidding could also trigger merger filings. The article describes both aspects and provides practical advice for joint bidders.

DR NICOLE ROSENBOOM, DEBBY MOORE, JONATHAN FORD, EMMA COCHRANE AND ZOE CAMERON

### **Sustainable Divergence between the UK and the EU—the Fair Share Principle in Practice 395**

This article considers the analysis of sustainable collaborations under the rules prohibiting agreements which restrict or distort competition in the UK and EU. We look at how the rules diverge between the two jurisdictions and apply these to a hypothetical case study to show how the different approaches of the regulators can, at least in theory, lead to different outcomes.

RICCARDO FADIGA

### **Merger Control Without Acquisition of Control? Limits to the Expansion of Merger Review After Towercast 403**

The recent Towercast judgment expanded the scope of the Commission's review of mergers, potentially calling into question the position of the EUMR's notion of 'control' as a cornerstone jurisdictional criterion for reviewing transactions per se. However, the acquisition of non-controlling shareholding has always been excluded from review and there are no indications that this principle should be subverted. The Court should therefore resist potential further expansions of merger control jurisdiction and explicitly exclude from it the acquisition of non-controlling shareholding, regardless of the legal basis adopted for the review.

ALEXANDRU ȘOTROPA

### **Citation Network Analysis: Exploring its Potential in the Study of Competition Law 412**

In the context of increasing interest in empirical research in competition law, this paper proposes using network citation analysis to explore abuse of dominance decisions issued by the European Commission. As a pilot study, this research aims to measure the most central decisions and, therefore, the most important decisions for the Commission when enforcing abuse of dominance rules. In addition, the paper analyses the role of citations in the overall argumentation of the Commission by looking at the section in which the case is cited. From a methodological perspective, the paper offers novel insights into the limitations of this research method, proposing a step-by-step explanation of how the method can be replicated on other citation networks. Overall, the paper provides general insights into network analysis and tests its capabilities on a sample of legal sources.

FATMA CEREN MORBEL

### **The Essential Facilities Doctrine: How does it intersect with the Digital Markets Act? 425**

Platform economies are based on big data, which can be used by companies to gain a competitive advantage and increase market power over their competitors. In recent years, platform economies have been shaped by technological advancements and have caused serious competition law concerns. These concerns were mainly related to dominant undertakings' ability to leverage their market power by owning platforms in adjacent markets. As a result, the Essential Facilities Doctrine comes to the scene regarding the consideration of data. The purpose of this article is to examine how the doctrine has evolved and how it intersects with the recent Digital Markets Act ("DMA").

## National Reports

Austria

**ANTI-COMPETITIVE PRACTICES  
Investigation N-203**

<b>Belgium</b>	<b>MERGERS</b> Merger control N-203
<b>Canada</b>	<b>MERGERS</b> Merger control N-205
<b>Canada</b>	<b>COMPETITION</b> Legislation N-205
<b>Czech Republic</b>	<b>MERGERS</b> Merger control N-205
<b>Denmark</b>	<b>ANTI-COMPETITIVE PRACTICES</b> Judgment N-206
<b>European Union</b>	<b>ANTI-COMPETITIVE PRACTICES</b> Judgment N-207
<b>Ireland</b>	<b>FOREIGN SUBSIDIES REGULATION</b> Legislation N-209
<b>Netherlands</b>	<b>MERGERS</b> Merger control N-212
<b>Poland</b>	<b>ANTI-COMPETITIVE PRACTICES</b> Investigation N-213
<b>Romania</b>	<b>ANTI-COMPETITIVE ACTIVITIES AND UNFAIR COMPETITION</b> Investigation N-214
<b>Romania</b>	<b>MERGERS</b> Merger control N-215
<b>South Africa</b>	<b>COMPETITION</b> African competition law developments N-216
<b>Spain</b>	<b>MERGERS</b> Merger control N-218
<b>Spain</b>	<b>MERGERS</b> Merger control N-218
<b>Sweden</b>	<b>UNFAIR COMPETITION</b> Judgment N-219
<b>Türkiye</b>	<b>ANTI-COMPETITIVE PRACTICES</b> Investigation N-221
<b>United Kingdom</b>	<b>COMPETITION</b> Legislation N-224
<b>USA</b>	<b>ANTI-COMPETITIVE PRACTICES</b> Regulation N-226