

Editorial

MICHAEL HUTCHINGS

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‘By Object’ or not ‘by Object’: More Issues Resolved? 290

This article builds on and complements our article published earlier this year in Vol.46(4) of European Competition Law Review on the ‘by Object’ qualification of restrictions of competition. It addresses recent caselaw dealing with two open questions identified in that publication, notably the role of the market position and market power of the parties in the ‘by Object’ assessment and whether pro-competitive effects may be taken into account.

CRAIG POUNCEY

A Round Peg in a Square Hole: Rethinking EU Competence for Media Pluralism After the Media Freedom Act 295

Can the EU square its market powers with its democratic values? This article examines Hungary’s challenge to the Media Freedom Act to explore whether media pluralism, simultaneously cultural, economic, and constitutional, can be meaningfully regulated under Article 114 TFEU, and argues that the very paradoxes at play may in fact justify the Union’s harmonising role.

ERINI YEMENITZIS AND JING WANG

Mirroring the EU Digital Markets Act to Tackle Gatekeepers’ Anti-Competitive Conduct in South Africa?—Case Study of Google 307

Focusing on restraining Google’s anti-competitive practices, this article evaluates the effectiveness of the European Union’s (“EU”) and South Africa’s approaches in regulating digital markets. Exploring the role of public interest in both jurisdictions’ Competition Law, this article asks: Is now the right time for the South African Competition Commission to mirror the EU’s regulatory approach to tackle digital gatekeepers’ anti-competitive practices?

EUGENIO JOSÉ RUIZ-TAGLE
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From Theory to Tech: Computational Antitrust; Concept, Origins, and a Path Moving Forward 316

This paper explores the hypothesis, originally advanced by Dr. Thibault Schrepel, that antitrust law is transitioning into a new phase termed “Computational Antitrust” or “Antitrust 3.0,” following its earlier Political and Economic phases. Rapid technological advances and widespread digitalisation have given rise to “Algorithmic Competition,” a phenomenon likely to pose significant challenges to institutions responsible for safeguarding competitive markets. In response, the paper underscores the necessity of integrating analytical tools and computational methods into regulatory workflows. It emphasises the importance of strategic investments in technological infrastructure and fostering multidisciplinary collaboration among data scientists, economists, computer scientists, and legal professionals. The paper proposes a structured roadmap tailored specifically for Latin America and other developing jurisdictions: (1) optimising internal knowledge management through Big Data methodologies; (2) establishing specialised Data Units; and (3) deploying predictive analytics to enhance judicial decision-making. It concludes by briefly reflecting upon the challenges that lie ahead.

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