
Kluwer Competition Law Blog

World Competition Law and Economics Review, volume 44, issue 3, 2021

Jose Rivas (Bird and Bird, Belgium) · Saturday, October 16th, 2021

We are happy to inform you that the latest issue of the journal is now available and includes the following contributions:

World Competition's Editor, José Rivas, Interviews Mr Andreas Schwab, Rapporteur of the Digital Markets Act in the European Parliament

See also this recent post on Kluwer Competition Law Blog: [Digital Markets Act: Interview with MEP Andreas Schwab](#)

Oles Andriychuk, Shaping the New Modality of the Digital Markets: The Impact of the DSA/DMA Proposals on Inter-Platform Competition

An unprecedented recalibration of the rules regulating the functioning of competition in the digital markets has catalysed diverse reactions among the main stakeholders. The proposed approach to regulating gatekeepers will have a paradigmatic impact on European consumers, businesses and public institutions. It will have equally significant implications for the theoretical foundations of competition law, economics and policy. While formally the Digital Markets Act (DMA) is complementing, not substituting, existing provisions of competition *de lege lata*, such a substantial extension of the rationale and instruments of competition policy is likely to have significant implications also for the application of *ex-post* rules. The entire apparatus of competition law will be extended by the new modality. Out of the wide spectrum of changes introduced by the DMA/DSA proposal, this article identifies and analyses one of the central – though not so commonly discussed – elements of the transformation. It asks a normative question about what kind of competition in the digital markets the European Union should seek to establish, and a methodological question about procedural and substantive legal mechanisms used for shaping such a new format.

Niamh Dunne, The Role of Regulation in EU Competition Law Assessment

The relationship between competition law and regulation is a perennial question in competition policy. This article considers what happens when we apply competition law within markets already subject to a degree of alternative regulatory intervention – and, more specifically, how the presence of regulation can inform the antitrust assessment exercise. First, it asks why we might need, but also be reluctant, to apply competition law to market problems arising in regulated sectors. It then examines the potential impact of regulation within the task of competition law assessment from three overlapping perspectives: (1) where regulation forms an integral part of the ‘legal and economic context’; (2) where a regulatory standard is applied to set the boundaries of competition on the merits; and (3) where competition intervention functions as a means of ‘course correction’ to the underlying regulatory regime.

Frank P. Maier-Rigaud, Robert Lauer & Laura Robles, Innovation Incentives in the Pharmaceutical Sector: Rethinking Competition and Public Policy?

The incentives of pharmaceutical companies to innovate and how competition affects these incentives has been topical in recent years: for the general public, as evidenced by a patent race at an unprecedented pace during the ongoing Coronavirus disease 2019 (COVID-19) pandemic; and more specifically for competition authorities, as demonstrated for example by the role innovation played in the assessment of the Bayer/Monsanto (2018), Dow/DuPont (2017), and the Novartis/GSK (2015) mergers. This article contributes to the innovation debate, notably in the pharmaceutical industry, by giving an overview on firm and market-level incentives to carry out research and development (R&D). Understanding these innovation incentives is relevant for a proper competition assessment where the effect of a particular conduct or structural change on these incentives is considered, but also more generally in the context of public policy or regulatory questions. We review the fundamental elements driving innovation incentives and tentatively relate these to the development of new drugs for neurodegenerative diseases (NDD), in particular Parkinson’s disease (PD) and Alzheimer’s disease (AD).

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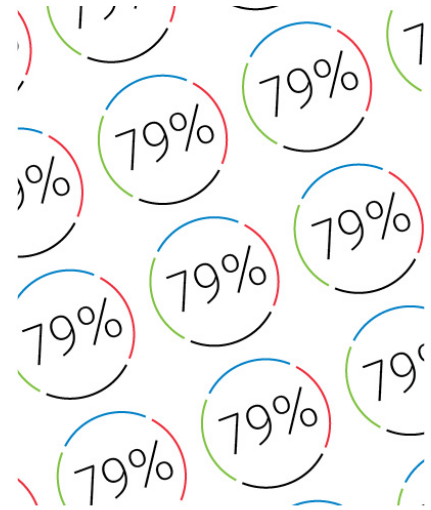
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