

Editorial

Dear Reader,

As editor, may I welcome you to the first Edition of the *World Competition Journal* for 2018.

We begin this issue of *World Competition* with a contribution by Martin Gassler where he explains why the acquisitions of non-controlling minority shareholdings currently do not trigger the mandatory notification obligation under the European Merger Regulation. For the author, the Commission should be very cautious not to overregulate companies' investments via the merger control regime. Jurisdictional expansion of merger control is a difficult balancing act between the need to protect effective competition and the regulatory and administrative burden caused by such expansion. However, in the case of non-controlling minority shareholdings the actual enforcement gap as well as the harm caused on competition is limited. Therefore, the author argues that the economic case made by the Commission is not strong enough to expand the scope of the European Merger Regulation.

Secondly, we have the article by Eduardo Andrés Aguilera concerning the Google Shopping case and the discussion of the existence of a general duty upon vertically integrated dominant firms not to discriminate competitors in neighbouring markets and to treat them in the same way as own related business. That author states that the Google Shopping case has provided an opportunity to clarify the scope of the special responsibility recognized by case law, upon vertically integrated firms with regard to discriminatory practices. Finally the author addresses the principle of search neutrality introduced by the Commission, which could have repercussions not only in the comparison shopping service but also in other instances in which search engines are vertically integrated in online markets.

Our third article comes by the hand of Carsten Koenig, with a high-quality article comparing Parent Liability between European and US Law. Some of the conclusions are that parent company liability is important for effectively deterring antitrust infringements in the European Union, but that parent company liability may not be necessary for achieving the same purpose in the United States or even that parent company liability has not evolved in US antitrust law because of the existence of other enforcement instruments that serve as functional substitutes, such as the individual liability of managers and employees. The author concludes that the article does not claim that one of the two enforcement instruments is

better than the other, just that its main goal it is to explain and compare how both systems deal with the problem of underdeterred subsidiaries.

We also publish an article by Joshua Seet about the Development of Object Restrictions in Singapore Competition Law. The article not only focuses on how are object restrictions in Singapore after the Financial Advisors Case, but goes far beyond by making suggestions on how this approach could be strengthened. Therefore, the article argues that a restrictive approach should be taken towards finding object restrictions under Singapore Competition Law, by the creation of new categories of object restrictions and a more restrictive Sufficient Degree of Harm Standard test in order to find more object restrictions.

Finally and not less important, an excellent article analysing the main goals of Competition Law in the People's Republic of China by Mark Furse. The article focusses on the approaches taken in the People's Republic of China, the United States and the European Union by a set of merger cases seeking to explain and criticize any divergence, taken into account the complication inherent to the People's Republic of China and its lack of transparency. The article concludes by asserting that China's Ministry of Commerce has consistently taken a more restrictive approach in merger control cases compared to the United States or the European Union, due to the unique situation of the People's Republic of China and its industrial/economic policy regarding the effect of concentrations on the development of the national economy.

I wish you a pleasant read.

José Rivas
Editor
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