

Editor's Note

Dear Reader,

It is with great pleasure that I present to you this year's third issue of *World Competition*.

As in the past, this issue contains a number of outstanding contributions which cover a wide range of subjects, ranging from price-based exclusionary practices in the Danish postal service, the interplay between the Digital Markets Act (DMA) and General Data Protection Regulation (GDPR), the latest developments in Korean competition law, private enforcement in Chinese competition law to the role of Artificial Intelligence (AI) in detecting bid rigging in India.

The first article examines the competition law cases in which Post Danmark, the Danish postal incumbent, has been involved in recent years (*Post Danmark I* and *Post Danmark II*). In ***Post Danmark – More than just another serial infringer***, Christian Bergqvist addresses the question of how to allot costs across different products when providing several products utilizing the same network where some of the products (letters) are subject to a universal service obligation guaranteed by the state. To that end, Christian outlines the as-efficient-competitor (AEC) test, its embedded short-comings when it comes to multi-product undertakings benefiting from special rights, and the rise and fall of Post Danmark.

The second contribution deals with the interesting issue of the interplay between the DMA and the GDPR. Its author, Aleksandra Wierzbicka studies the topic at length in ***The GDPR-DMA Nexus: Is the GDPR an Achilles heel for the DMA's data-related obligations?*** This article derives from her Master thesis '*The ring-fenced DMA? Where data related obligations meet the GDPR*' written under the supervision of Professor Nicolas Petit at the College of Europe in the academic year 2022/2023, and which was awarded the Global Competition Law Centre's (GCLCs) prize. The article delves into the substance of data-related obligations and aims at bringing light to the intersection between the DMA and the GDPR. The author also argues that, although the DMA and the GDPR are complementary and closely intertwined, the concurrent application of both regulations is not devoid of tensions and shortcomings.

The third article takes us to Korea with ***Korean competition law enforcement: Recent developments***. Its author, Youngseok Kim, explains the recent developments in Korean competition law from three perspectives. First, the recent improvements that the Korean Fair Trade Commission (KFTC) has made in its

public enforcement procedures. Second, the significant progress made in the enforcement of Korea's Monopoly Regulation and Fair Trade Act. Finally, the advancements that have also been made in private enforcement.

Following up on Asia, the fourth article is *Miao Chong v. SAIC-GM: The dawn of the private enforcement of Chinese Anti-Monopoly Law?*, by Chunxu Wu. The author argues that plaintiffs are frequently faced with evidentiary difficulties in the private enforcement of competition law. However, this could change with the recent ruling of the Supreme People's Court of China in *Miao Chong v. SAIC-GM*. The paper touches upon the fact that, while the ruling is believed to alleviate the plaintiff's burden of proof in establishing damages claims, it must be combined with the judge's investigative power to collect evidence, which is also subject to strict conditions.

For the last article, Achu Ann Michael offers a different perspective by focusing on the role of AI in Indian public procurement. In *Prevention and detection of bid rigging in public procurement in India: The role of Artificial Intelligence*, the author analyses how digital algorithms can flag anti-competitive practices, particularly bid rigging. The article also attempts to examine the punitive measures in the Indian Competition Act, how the ruling in the *Rajasthan Cylinders* case might have diluted the already weak conviction rate of economic infringements, and how can AI be useful in this regard.

I wish you a pleasant reading.

José Rivas
Editor,

Email: jose.rivas@twobirds.com.