

Editor's Note

In this third issue of 2025 we publish five very interesting articles that scrutinize competition laws of and practices in the UK, the European Union, Brazil, India and beyond.

Our first article is written by four lawyers of the law firm Skadden Arps and covers the topic of UK class actions under the Consumer Rights Act of 2015. The UK Supreme Court's ruling in *Merricks v. Mastercard*, has resulted in numerous applications for collective proceedings orders in the Competition Appeal Tribunal. This article reflects on the development of this new regime and casts a critical eye on it, notably, whether it ensures that unmeritorious claims are identified at an early stage.

Our second article by Jan-Frederick Göhsl deals with the newly adopted EU Digital Markets Act (DMA) and questions whether the DMA was born with a significant lacuna by not including AI fully automated agents amongst its core platform services. Two possible solutions are proposed for this perceived lacuna of the DMA, either the introduction of a new more expansive general definition of core platform services or extending the Commission's mandate to adopt implementing legislation and enable it to adopt delegated acts that add new services within the scope of the DMA. For this latter option, the precedent of the high-risk AI systems and the AI Act of the EU is recalled.

The third article of this issue, written by Paulo Burnier da Silveira, asks a very pertinent question, how long do cartels last? and provides an answer looking into the various precedents by CADE of Brazil from 1999 to 2022. On average cartels in Brazil last four years ranging from three months to twenty years. The research explores key determinants in the duration of cartels such as the economic sector, the number of participants and their geographic scope and, based on a Kaplan-Meier modelling, considers the probability of a cartel surviving after a given number of years.

The fourth article, written by Vinicius Klein and Isabella Triebes, addresses the issue of exclusivity and multihoming clauses in the food-delivery sector in Brazil. The authors do not favour a formalistic approach towards exclusivity clauses by competition authorities but rather favour the need to balance multi-homing as a competitive goal with economic efficiencies.

Our fifth article is a clear example of the so-called 'Brussels effect' as it analyses the Indian Digital Competition Bill (DCB) of 2024, which is modelled after the

European DMA. While the authors do not oppose ex ante regulation in this sector as such, they favour a phased adoption and implementation of the DCB. According to the authors, this is justified given India's nascent digital economy that might be put a jeopardy by such a wide-ranging ex-ante and cost-intensive regulation as the DCB.

Finally, a heads up: in the fourth issue of World Competition in 2025, we will publish a Guest Editorial with an interview of incumbent EU Commissioner for Competition, Vice President Teresa Ribera.

I wish you a most enjoyable reading,

*José Rivas,
Editor,
World Competition.*