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On 4 April 2019, the European Commission published the much anticipated Report
Competition Policy for the digital era (hereinafter referred to as the "Report").

Authored by a panel of special advisers (all academics) appointed by Competition
Commissioner, Margrethe Vestager, the Report explores how competition policy should evolve
so as to promote pro-consumer innovation in the digital age – in particular, arguing that EU
competition enforcement needs to be “adapted and refined” to account for the challenges
posed by digitisation. According to the Report, such adjustments might include (amongst other
things) developing new theories of harm for evaluating conglomerate mergers, interoperability
or data-sharing requirements for dominant companies and the provision of guidance on the
definition of dominance in digital markets (and/or on the duties of conduct for dominant
platforms).

The Report represents the latest development in the Commission’s ongoing review as to how EU
competition policy might better harness the benefits of digitisation whilst, at the same time,
looking to address competition concerns (some of which appear peculiar to digital markets). It
also follows the publication in March in the UK of an independent report on the state of
competition in digital markets (Professor Jason Furman’s Unlocking digital competition: Report

Arguably not as far-reaching as the findings set out by Furman, the Report does put forward
some proposals that are likely to be controversial and potentially influential in the Commission’s
thinking going forward.

Read more: EU competition in the Digital Age: European Commission publishes Report of
Special Advisers

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