

# Final Report Research funding

**Researcher: Dr Julian Nowag**

**Project on: Economics and value judgment and the interaction with accountability and independence of competition agencies**

## **Problem:**

The project looked into value judgment in competition law, when enforced by independent competition agencies. In particular, it focused on the question whether and to what extent value judgment is made when competition law is applied based on economics.

## **Aim:**

The aim of the project was to investigate the above form a philosophy of science, legal, accountability point of view with the goal of advancing teaching and scholarship in the area. Developing and teaching a course as well as publishing relevant literature.

## **Method:**

The project used the following methods to investigate the matter/ legal, legal theory, philosophy of science, and political theory.

## **Results:**

The project allowed for a buyout of teaching obligations of 75% and thus resulted in numerous presentations and publications, but also in a new competition law course covering the field.

### **a) New competition law course:**

In the summer term of 2018, the new elective course ‘Competition and Politics’ was first taught. Around 20 % of the students choose this as their elected courses. It has received excellent student feedback. Once the current parental leave and the other teaching load allows the course will be offered again to students.

### **b) Presentations:**

The grant allowed the time to give presentations across Europe and the world. The following is a short overview of some of these presentations.

- ‘The Unintended Consequences of EU Merger Control in Times of Protectionism’ presented Feb 2020 at the ASIAN COMPETITION FORUM, University of Valencia, Spain: presentation at the conference ‘Europe-Asia: Trade, Investment and Antitrust: Challenges and Opportunities’

- ‘Communication services, consumer, competition and digitalisation: a brave new world?’ and ‘Competition, Legislation and Competition Authorities’, presented Dec 2019 at the PHILIPPINE COMPETITION AUTHORITY and HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE PHILIPPINES, Manila, Philippines
- ‘Allowing for an Antitrust Exemption for Sustainability: a (False) Good Idea?’ presented Oct 2019 at the conference ‘Sustainability and competition policy: Bridging two worlds to enable a fairer economy’, EUROPEAN COMMITTEE OF THE REGIONS, EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, Brussels, Belgium
- ‘Communication services, consumer, competition and digitalisation: a brave new world?’ presented Mar 2019 at the conference ‘4to. Congreso Internacional: El usuario de comunicaciones en la economía digital’ SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO, Bogotá, Colombia.
- ‘Democracy and Antitrust: Popular Concerns Without Populism?’ presented Sep 2018 at the conference ‘Antitrust Populism: Tech Giants Under Scrutiny in the EU and the US’, DE MONTFORT UNIVERSITY - Leicester, UK
- ‘Why Cooperation In Competition Matters Matters? Challenges and Option for Chinese African Cooperation’ presented Nov 2017 at the conference ‘Chinese Investment in Africa’ TRADE POLICY TRAINING CENTER IN AFRICA, Arusha, Tanzania

### c) Publications:

#### aa) Papers

The grant allowed the time for research which resulted in numerous publications. The following is a short overview of some of the most relevant papers.

1. Sustainability and Competition, OECD (2020) Competition Committee Discussion Paper, available at <http://www.oecd.org/daf/competition/sustainability-and-competition-2020.pdf>
2. Beyond Balancing: Sustainability and Competition Law with Alexandra Teorell Concurrences N° 4-2020 1 p 10-15 ([https://www.concurrences.com/IMG/pdf/03.concurrences\\_4-2020\\_on-topic\\_sustainability.pdf?63751/daa3b10cb2ad70878fcf4b891f4850472ddb3b96](https://www.concurrences.com/IMG/pdf/03.concurrences_4-2020_on-topic_sustainability.pdf?63751/daa3b10cb2ad70878fcf4b891f4850472ddb3b96)).
3. ‘The Car-Emissions Investigation: Goals of Antitrust and the Protection of the Federal Regulators Authority – Some thoughts from the other side of the pond’ with Alexandra Teorell CPI Antitrust Chronicle July 2020 p 1-8 (<https://www.dechert.com/knowledge/publication/2020/7/antitrust-chronicle--sustainability.html>)
4. ‘Resilience and competition law, in times of emergencies and crises: two research agendas’ (2020) 8:2 Journal of Antitrust Enforcement 296–298 <https://doi.org/10.1093/jaenfo/jnaa025>
5. ‘COVID-19 och statsstödet's transformativa potential’ with Marios Iacovides in (14. May 2020) Dagens Juridik available at: <https://www.dagensjuridik.se/nyheter/covid-19-och-statsstodets-transformativa-potential/>
6. ‘Competition law’s sustainability gap? Tools for an Examination and a Brief Overview’ (November 1, 2019). Lund University Legal Research Paper Series, October 2019, Available at SSRN: <https://ssrn.com/abstract=3484964> or <http://dx.doi.org/10.2139/ssrn.3484964>
7. ‘The power of three: Applying the general principles of EU law to antitrust regulation’ with Max Hjærtström (2019) Competition Law Insight 1-4.
8. Editorial ‘The Interaction Between Corporate and Competition Law’ with Marco Corradi (2019) 16:2 European Company Law Journal 42–43.
9. ‘Buyer Power In The Big Data And Algorithm Driven World: The Uber & Lyft Example’ with Ignacio Herrera Anchustegui (2017) Competition Law International - Antitrust Chronicle (Sept 2017) 31-36 – *Nominate for the 2018 Antitrust Writing Awards in the Category General Antitrust* ‘

#### bb) Book

Finally, as planned Oxford University Press has been approached with a book proposal in the field. Given the current interest in sustainability it was however suggested and decided that a book on this particular issue relevant in today’s politics should rather be prioritized. Thus the more general book on politics and antitrust has been pushed back and a contract with OUP for the publication of ‘*Antitrust and Sustainability*’ has been signed. It should be published in the end of 2021 or early 2022.