Introduction

Challenges to assumptions at the basis of competition law: there are at least two reasons to justify inviting ASCOLA members to direct their academic research towards this theme.

First, whilst the assumptions at the basis of competition law have been challenged throughout the years, globalization and digitalization have significantly increased the need to ensure that the assumptions we rely upon – whether with regard to substantive, procedural or institutional features – are fit for purpose. There is certainly no need to elaborate upon the profound upheavals in the world economy in recent years, particularly due to the globalization of trade and the considerable importance of digital companies in world trade. The Coronavirus pandemic has since exacerbated the dominance of some digital companies in world trade. Throughout the world, competition law has been implemented to regulate such markets and to organize the globalization of transactions. Yet competition law was designed and built for a society that is very different from the globalized and digitalized society we know today. The very foundations of competition law are therefore subject to an unprecedented test. Accordingly, competition authorities around the world are exploring the limits of antitrust and the concepts that underlie its application. Everywhere, similar questions arise: should the usual methods of delimiting the relevant market be reviewed? Can the price criterion still be relied upon or given much weight to identify an infringement of competition? Must dominant firms share the assets they have built up in order to allow effective competition? Almost everywhere around the globe, the same concepts are used as a basis for reasoning. This made ASCOLA an excellent framework for fomenting a global reflection on the important challenges competition law faces: its members come from Europe, the Middle East, the United States, Russia, China, India, Africa, Australia; they come from wherever there is competition regulation, that is to say, from almost everywhere in the world.

The second set of reasons that made the theme relevant focuses on the fact that ASCOLA is an academic society composed exclusively of researchers. The upheavals in competition law are so significant that an in-depth analysis has become necessary. The sharing and exploration of ideas enabled by ASCOLA creates an in-depth and necessary dialogue on the law's underpinnings.

The book is divided into three parts, which set out three sets of challenges for competition law. First, the digital economy and innovative sectors are

discussed. Frédéric Marty and Julien Pillot explore the two-sided eco-system of mobile telephony to show the limits of the current tools of competition law, in particular the qualifications for abuse of dominant position. Stephen Dnes studies the practice of technological tying and its competitive implications. He questions the rules resulting from the *Microsoft* litigation by placing them in a modernized framework of reflection (in particular the case of Google's integration of maps). Can Atik offers a critical analysis of the *Bayer/Monsanto* decision by questioning the role of data in the agricultural sector.

In the second part, the book includes studies on the challenges faced by emerging countries. Wei Han and Yajie Gao present the application of merger control in China in the digital sector. Claudia O'Kane proposes an institutional reflection on the adoption of specialized tribunals in Latin American countries, based on the Mexican experience. Christopher Townley discusses the influence that Western large companies and competition authorities can exert within the framework of the International Competition Network. Andrés Calderón takes the reader to South America and explores how competition authorities treat cartel facilitators.

In the third part, the book focuses on institutional challenges. Oliver Budzinski and Annika Stöhr show how public interest considerations are taken into account in European merger control regimes. Barry J. Rodger returns to the foundations of abuse of dominance by exploring the jurisprudence of the British courts. Galyna Kostiukevych discusses the use of international trade instruments to combat anti-competitive behaviour suffered by participants in the global supply chain.

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Aix-en-Provence and Haifa, August 2020