



Special issue on competition law

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On 7 and 8 April 2022, an online competition seminar was organized by the Faculty of Law of Maastricht University (UM), titled ‘Competition Law and Policy: Recent Developments in China and the EU’.¹ The seminar resulted from a long collaboration between research institute METRO (based at the UM Faculty of Law) and two Chinese universities: the Central University of Finance and Economics (CUFE) and the China University of Political Science and Law (CUPL). The seminar was also organized within the context of the China-EU School of Law (based at CUPL and Hamburg University, with UM as one of the consortium partners).

At the competition seminar, speakers from China and the EU presented their ongoing or recently published research. The range of topics included discussions on merger control, regulation of digital markets, recent amendments to competition legislation, and economic and empirical perspectives on competition law. Speakers included various high-profile academics in the field of competition law in China as well as Chinese PhD researchers (often former students of the China-EU School of Law) collaborating with their ‘western’ supervisors.

This special issue of the China-EU Law Journal contains five of the contributions to the seminar, more particularly those that were presented there in a draft version and that in the meantime have been extended and updated. The contributions reflect the very recent amendments to the Chinese Anti-Monopoly Law as well as other developments in the regulation of digital markets in China and the EU, and incorporates insights from both legal and economic literature.

In the first contribution [insert Link <https://doi.org/10.1007/s12689-023-00102-7>], Tao Wu and Yihan Wang (CUFE) critically examine the 2022 amendments to the Anti-Monopoly Law in China, focusing on the four main changes to the chapter on monopoly agreements. In addition to analyzing the reasons for the recent

¹ <http://www.maastrichtuniversity.nl/events/competition-law-and-policy-recent-developments-china-and-eu-online-seminar>.

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changes, the authors provide recommendations to further improve the relevant legal provisions.

In the second contribution [<https://doi.org/10.1007/s12689-023-00101-8>], Kena Zheng (UM) and Francis Snyder (Peking University and Aix-Marseille University) discuss the choice between soft law and hard law in the area of competition law. The authors address the question why China seemingly made a choice for soft law to regulate digital markets, while the EU opted for hard law instruments. In addition, they examine whether the selected regulatory tools are the most appropriate ones in the specific context of those jurisdictions.

In the third contribution [<https://doi.org/10.1007/s12689-023-00099-z>], Qian Li (UM, former CESL), Niels Philipsen (UM and Erasmus University Rotterdam) and Caroline Cauffman (UM) examine the potentially abuse conduct of AI-enabled price discrimination from a comparative (China-EU) economic perspective. The authors argue that AI-enabled price discrimination does not always require a competition law response, while explaining how competition authorities often need to make a trade-off between different considerations.

In the fourth contribution [<https://doi.org/10.1007/s12689-023-00103-6>], Han Wei (University of Chinese Academy of Social Sciences) and Yajie Gao (Hong Kong Competition Commission) discuss how merger control can (and should) take into account the effects on innovation while assessing a concentration. Focusing on Chinese merger control, the authors argues that the competition authority should properly handle the uncertainty in assessing innovation competition, and respect the efficiency defence raised by notifying parties.

In the fifth contribution [<https://doi.org/10.1007/s12689-023-00100-9>], Qian Wu (formerly UM and CESL, currently Beijing Normal University) and Niels Philipsen (UM and Erasmus University Rotterdam) investigate tying practices by statutory dominant firms. Different from dominant firms that have gained their market power through competition on the merits, such statutory dominant firms have derived their market position from choices made by the state. Based on a law and economics approach, the authors argue that the effectiveness of competition law can be improved by applying a differentiated (stricter) scrutiny of tying by statutory dominant firms.

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