

Bird & Bird

How to tackle concentration in digital markets

Hein Hobbelen, Partner Bird & Bird (Brussels/The Hague)

EUI – FCP Annual Conference: Hipster Antitrust, the European Way?

Florence, 25 October 2019

Current EU debate – some observations

- Feeling that the EU lags behind
- Fourth industrial revolution
- Sometimes somewhat emotional
- Expert reports demonstrate intensity of the debate
- Focus on big tech, but the debate is wider

Selected observations expert reports

“Report-mania”



Report on Competition Policy
in the Digital Era



Furman Report – Unlocking
Digital Competition



Competition Law 4.0



Challenges faced by
competition authorities
in a digital world
(Benelux)

Outlook – some thoughts

- Fundamental debate about role EU competition law needed
- Fundamental changes to EU Treaty competition provisions and EUMR appear unlikely at this stage
- Debate on competition law vs. regulation is back
- Further studies
- Theories used in application current framework more novel
- Increased pressure to break-up?
- Further improvements of knowledge digital markets in competition law community

A.I., Machine Learning, Algorithms ... and competition law? What does all of this mean?

- **Algorithms**

- Latinisation of the name of 9th-century Persian mathematician, Al-Khwarizmi
- Series of instructions to make calculation or to carry out data processing/other tasks

- **Artificial Intelligence**

- Umbrella term for science attempting to make computers "smart"
- Study of intelligent agents: any device that perceives environment and takes actions to achieve certain goals
- AI obtains "human" characteristics through applications such as chatbots (software presenting itself as human being) and robots

- **Machine learning**

- Field of AI that uses e.g. statistical techniques to give computer systems the ability to "learn" without being explicitly programmed

- **Neural network**

- Type of machine learning in which the algorithm is inspired by biological neural networks (*i.e.* neurones in the human brain)
- Not one algorithm, but framework for complex system of algorithms
- Various applications (e.g. self-driving cars, speech recognition, medical, automated trading)

Thank you & Bird & Bird

Hein Hobbelen

Partner

Tel: +3222826023

hein.hobbelen@twobirds.com



twobirds.com

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