BIG DATA AND EU MERGER CONTROL

ABSTRACT

The significance of "big data" as a factor in the competitive assessment of mergers in EU has attracted more and more attention in the past years. Today's digital economy revolves around the Internet and information technologies that together enabled collecting and processing previously unimaginable sets of data, high in volume, velocity, variety and value. Data started to present a valuable and important asset to various businesses, mainly active on online platforms. Consequently, companies may engage in strategic mergers in order to acquire profitable data from one another. The aim of this master thesis is to research and analyse whether big data could result in the increased market power of the newly merged company or could have detrimental effects on other competitors present on the market or the competition itself. The main research question therefore is whether big data in its essence could constitute a competitive concern when it comes to data-related mergers.

This thesis initially clarifies the concept and characteristics of "big data" in general, whilst demonstrating the increasing significance of data used as assets for businesses in the present digital economy. The research then focuses on what role specific features of data could play in various stages of competitive assessments of merger conducted by the European Commission; the research considers both amplifying as well as mitigating competitive effects of data in the context of merger control. The core analysis lies in determining a data-related theory of harm, theoretically and in practise. The primary aim is to establish the coinciding principles, anomalies, consistency of decision-making and the overall approach of the European Commission towards unconventional data-related merger cases. This thesis analyses six major mergers, provides a critical assessment of identified theories of harm with reference to big data and provides final conclusion on big data in context of EU merger control.