

MERGERS WITH 'BIG DATA'

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2019.10.15

No hard facts and clear stories in the competitive assessment of data in EC merger control

Over 10 mergers involving 'big data' during the past decade

- Successful formulation of theories of harm

- No proper competitive assessment of data → **Insufficient guidance**

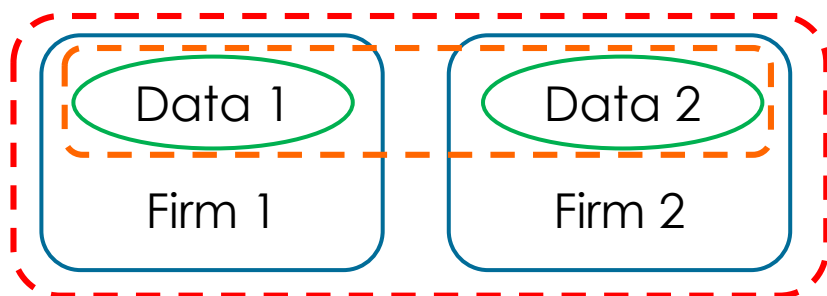
Improve competitive assessment

- Develop evaluation of closeness of substitution for data

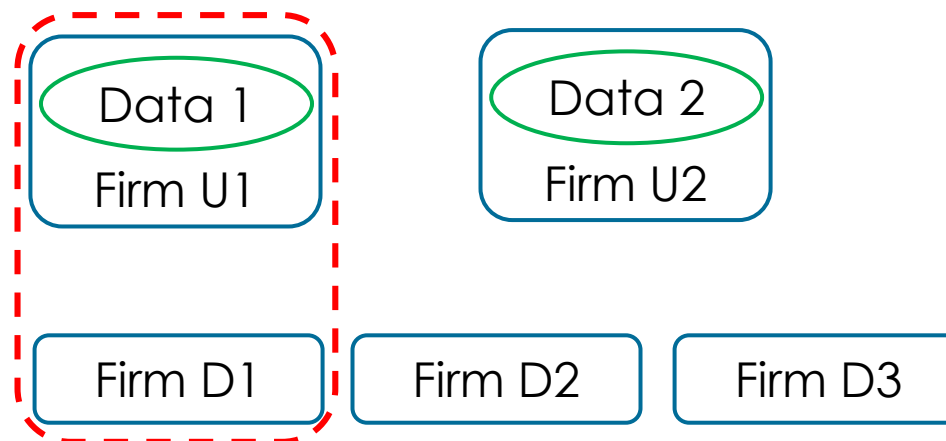
- Focus on insights derived from 'big data'

Theories of harm and current practice of competitive analysis

Horizontal merger



Vertical merger



Competitive analysis – Insufficient guidance

No market definition for data → Is data a homogenous or a differentiated product?

Incomplete competitive assessment → Closeness of substitution?

Possible way out: Focus on insights derived from 'big data'

Big data value chain



Focus on insights needed because

Big data is of limited value (on its own), unless processed

Differently looking data can lead to similar insights

Datasets that look similar may not lead to insights of similar value for users

Competitive assessment

Ask users of insights about valuation & closeness of substitution between various data