

## ABSTRACTS

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KRISZTINA ANTAL-POMÁZI – PÁL VALENTINY

♦ *Economics in competition agencies*

This paper reviews the background to the economic analysis of competition regulation. To do so, it takes stock of the institutional processes that have helped to shape the institutional system and the application of the law. It discusses the relationship between the authorities and the courts, the cooperation between lawyers and economists and reviews reports on the economic preparedness of the authorities.

CSONGOR ISTVÁN NAGY

♦ *Reception and model-following in Hungarian competition law: can the solutions of EU competition law really be adopted without reservation?*

This paper argues that while the reception of EU competition law in Hungary is essentially welcome, the unreserved reception is not. First, there are controversial issues of competition policy where the adoption of separate regulatory decisions would be warranted. Second, the goals of EU competition law also embrace market integration, which is completely missing in Hungarian competition law. The paper demonstrates that, although Hungarian competition law has an independent field of operation, it has aligned itself with EU competition practice and has espoused the requirement of conformity of substantive legal rules with EU competition law. The paper points to two issues (resale price fixing and absolute territorial exclusivity) where this substantive independence of Hungarian competition law causes damage.

MÁRTON VARJU

♦ *Responsible research and innovation: the possibilities of public participation and engagement in the regulation of the research and development system in Hungary*

The principle of Responsible Research and Innovation (RRI) requires that the systems of research, development and innovation (RDI), as well as the RDI processes themselves are operated responsibly. This entails in particular the openness and transparency of these regimes, the possibility of effective public participation and engagement, and the equal relevance alongside the dominant economic, industrial and technology interests of the social, moral, environmental, cultural etc. requirements that may be imposed on RDI. The institutional and regulatory solutions of RRI are expected to ensure the mutual openness of the relevant governmental, business and social actors towards each other's interests, mutual cooperation among these actors, as well as the responsibility and accountability of these actors

in the context of RDI. The Hungarian RDI system, which is closely connected the European Union's RDI policy and actions, could also be operated in harmony with these requirements. However, its institutional and regulatory design has established a largely closed, hierarchical system, in which responsible operation is interpreted and implemented restrictively. The planning, the administration and the financing of the Hungarian RDI system remain to be dominated by the particular industrial and economic policy priorities of the country.

ZOMBOR BEREZVAI

♦ *Competition and complementarity between innovative micromobility and conventional transportation services*

Urban transportation has undergone significant changes in recent decades, with an increasing number of innovative transportation services and service providers entering the market, among which complex substitution and complementarity relationships can be observed. This is because consumers (travellers) can use multiple transportation modes during their journey, but they are typically faced with several alternatives to select from. According to consumer research conducted in Budapest, the local bicycle-sharing system (Bubi) can be primarily replaced by own bicycles and other micromobility devices (essentially shared electric scooters), while railways clearly play a complementary role. The relationship between public transport and car and the Bubi is complex, both substitution and complementarity relations can be observed. A significant proportion of travellers consciously interrupt their journey and switch from public transport or car to Bubi because of the perceived benefits (health, speed, sustainability).

PÁL VALENTINY

♦ *How innovative are Big Tech companies?*

In answering the question posed in the title, the paper describes the current situation of Big Tech companies, the relationship between competition and innovation in their field, the past experience of similar types of companies, and the types of innovation. It analyses the Big Tech ecosystem and business model, the resulting behaviour, the killer zone of innovation and the prospects for AI.

BLANKA BÖRZSÖNYI – FANNI OROSZI – PÉTER VIRÁG

♦ *Recent trends in merger control and merger control-like regulatory filing procedures and their impact on M&A transactions*

The study examines on the one hand the Commission's new type of interpretation of Article 22 of the EU Merger Regulation (EUMR) (i.e. the so-called Dutch clause) and related recent case law (Illumina-Grail case), which has raised a number of new questions regarding the clearance of mergers that do not meet the EU and even national merger notification thresholds. On the other hand, the study, together with the authors' critical comments and suggestions, provides a detailed description of

the current Hungarian FDI regime, as well as the processes and major developments (including in particular the *lex Aegon* and the European Commission's decision on the Hungarian Aegon veto) that have led and are leading to the ongoing evolution of the regime (with particular reference to the ongoing preliminary ruling procedure before the European Court of Justice on a Hungarian veto). Finally, the paper describes the regulatory developments of the EU foreign subsidy control applicable from July 2023, which combines in one piece of legislation (ie. the Foreign Subsidy Regulation) the features of EU state aid investigations and EU merger control procedures. The study does not examine these procedures solely from a narrow competition law perspective, but by placing them in a transactional context, the authors also attempt to provide answers to the main transactional considerations and techniques that may arise to manage and resolve the risks arising from regulatory uncertainty.

GÁBOR FEJES – ZOLTÁN MAROSI

♦ *Competition law and regulation in the Hungarian natural gas sector*

The article sets out the competition law enforcement practice of the relevant authorities - the Hungarian Competition Authority and the European Commission – in the Hungarian natural gas sector (in relation to anti-competitive agreements, abuse of dominance and state aids). Then, the article analyses the current regulatory model in Hungary from the perspective of competition, detailing all those elements that may be relevant in this context (including the *ex ante* market assessment powers and decisions of the Hungarian regulatory authority).

PÉTER KOTEK – ADRIENN SELEI – BORBÁLA TÓTH TAKÁCSNÉ

♦ *Effect of the REPowerEU strategy on Russian market power*

In response to the Russian invasion of Ukraine, the European Commission plans to significantly reduce and eliminate its dependence on Russian fossil fuels. Using market modelling, we evaluate Russia's opportunities for profit maximization and Europe's options for mitigating the effects of losing one of its most important gas pipeline supplier. We model Russia's strategic behaviour in scenarios with unrestricted Russia gas sales to Europe, limited sales of 55 billion cubic meters per year, and complete halt of Russian supplies. Based on the results, if Russia's sales are restricted in the single European gas market, it can only increase Europe's gas bill at the expense of its own profit. By reducing demand and introducing alternative pipelines and LNG sources, Europe successfully reduces Russia's ability to significantly influence the European gas bill.

TÜNDE GÖNCZÖL – LÓRÁNT TELEKI

♦ *Gatekeepers caught in the crossfire of ex ante regulation, competition law and data protection*

As digitalisation increases the importance of data – particularly personal data – in all sectors of the economy, competition law issues affecting consumer welfare may

be combined with data protection concerns. Increasingly complex problems are surrounded by more complicated legislative and enforcement issues. Nevertheless, in practice there is relatively little evidence of cooperation or even parallel action between authorities responsible for enforcement in different areas. This paper addresses some current enforcement issues, such as the prohibition of double jeopardy and the risk of competition authorities acting as privacy watchdogs, while describing the mechanisms put in place by authorities to prevent these problems.

JUDIT FIRNIKSZ – MAGDOLNA CSÖMÖR – RÓBERT RUZSA

♦ *Who pays the ferryman? Convergent electronic communications providers and the changing regulatory ecosystem*

Convergence processes enabled by technological progress have linked previously distinct industries. Through the lens of the convergent electronic communications providers, the study provides a regulatory snapshot of the changes taking place in the interconnecting value chains and the tensions, regulatory challenges associated with the transformation. Considering the operation and development of the basic infrastructure of internet services, market phenomena as the transformation of the media market, the rise of so-called OTT services (over-the-top services) delivered to end-users through the open internet, the emergence of global platforms raise acute issues that may require a rethinking of the traditional boundaries of public policy and the system of established regulatory instruments as well.