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# **IBA 24<sup>th</sup> ANNUAL COMPETITION CONFERENCE**

## **Abuse of Dominance in the Age of Platforms and Data: Where Next?**

**8 September 2020**

**#IBAWebinars**



# THE NCT: A SENSIBLE ADDITION, OR A STEP TOO FAR?

## Conceptual Questions:

1. The NCT is designed to prevent/address structural competition problems, but is competition law – and, in particular, the envisaged expansion of competition law, the best/only approach?
2. If competition law is well-placed to address at least some of the problems that underlie the NCT, why are the existing competition tools – the “baseline” scenario – not a suitable starting point?

# THE NCT: A SENSIBLE ADDITION, OR A STEP TOO FAR?

## Questions of Design:

1. Is the NCT (based on either dominance or market structure) likely to result in a timely resolution to structural competition problems, in particular in highly dynamic and innovation-driven markets?
2. Does the NCT create an alternative to traditional competition law enforcement? What procedural safeguards and rights of defence apply?
3. To what extent does the NCT pre-empt/cut across industry-specific regulatory interventions?