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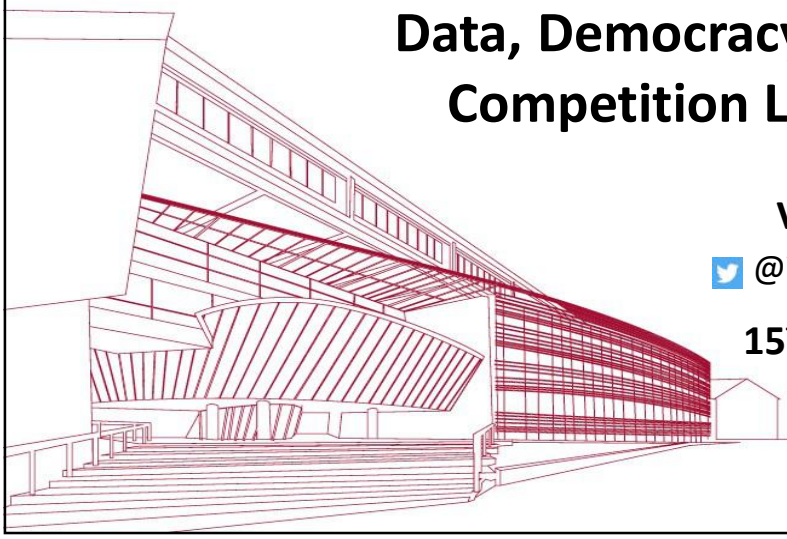

Data, Democracy and Competition Law

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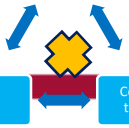
Big Tech – Big Data – Democracy

- Rise of big data & big analytics → shift in competition dynamics
- Yesterday's concern: Big tech's influence on prices, consumer choice
- Today's concern: Big tech's influence on voter behaviour, on the broader political debate, on human rights and fundamental values
  - No direct threat to monetary prices, innovation
  - Instead: attack on 'open, liberal and democratic society' (Popper 1945)
    - Values such as free elections, free press, free speech, economic freedom

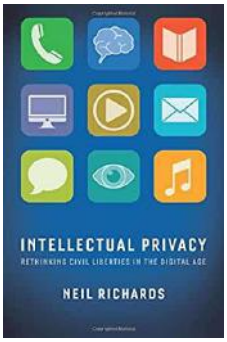
Democracy

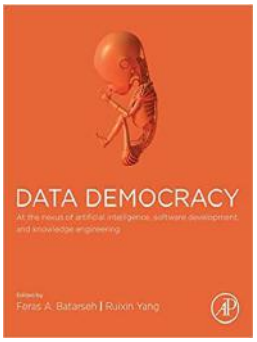
"Democracy-related harm"

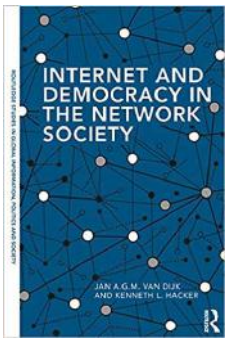


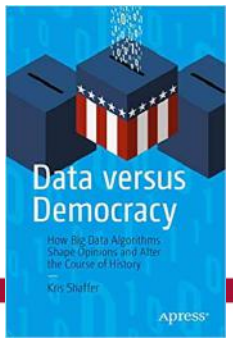
Democracy

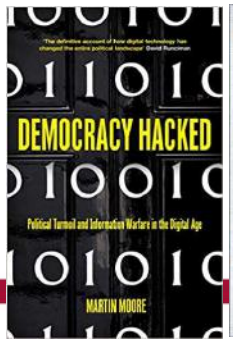
Data

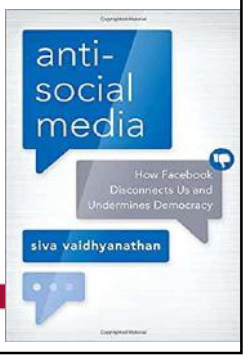












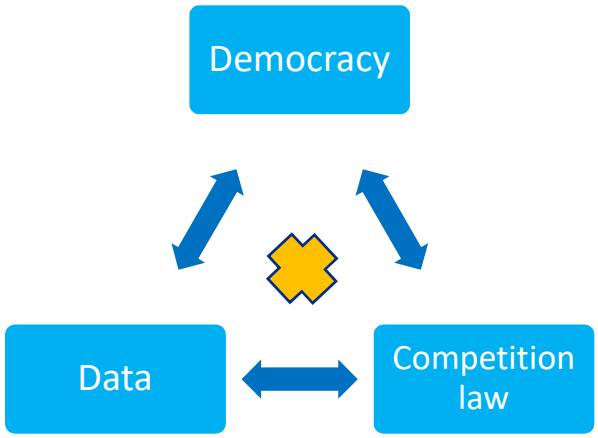
Democracy

Data

- This is a *problem*.
  - Seamless transition from economic prowess to political power
  - Not a new issue, but:
    - Personal user data and digital platforms and their ecosystems as a game-changer
    - Potential magnitude *is* new
- Is this a *competition law problem*?

Democracy

Competition law



(1) What is **democracy's place** within competition law in our digital times?

(2) Is **democracy-related harm** a necessary extension of existing theories of competitive harm in data-driven digital markets?

(3) How could democracy-related harm be incorporated into the **analytical framework** of competition law?

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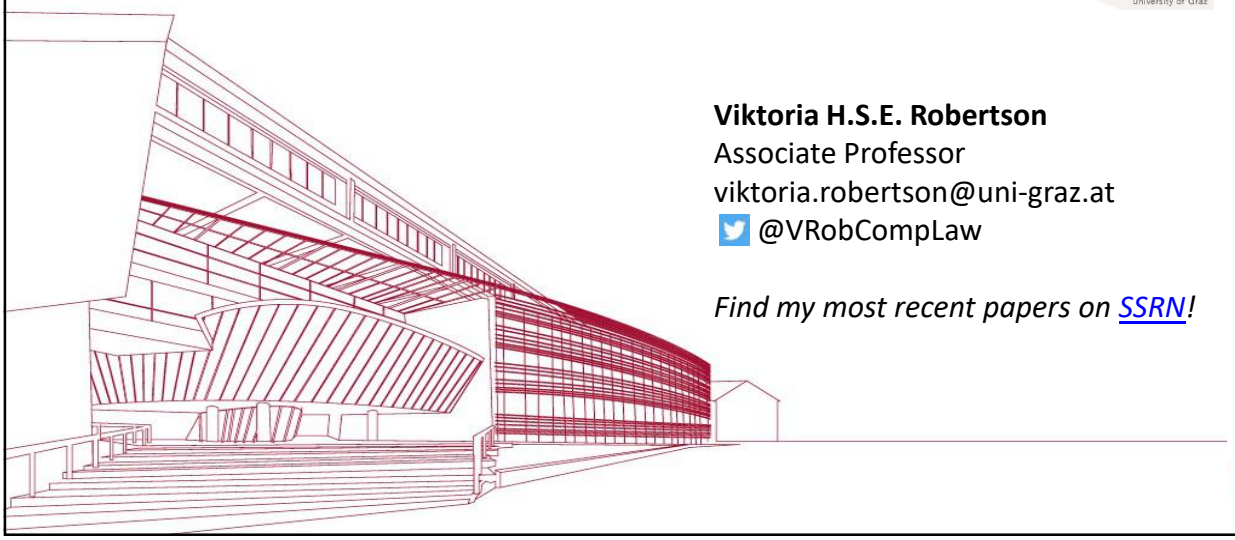

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