

Horizontal Shareholding – Analyses, Perspectives and Proposals within the European Law Competition Framework

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The overlap in the leading shareholders of horizontal competitors, known as horizontal shareholding, increasingly has drawn attention as its anticompetitive effects have become clearer. Proposals have been put forward, both regarding the applicability of currently available competition law instruments to this phenomenon and to the opportunity of reform. After making the case for enforcement to curtail the anticompetitive effects of horizontal shareholding, this Feature argues that the theories purporting the applicability of existing European competition law instruments to horizontal shareholdings are not convincing; furthermore, it will show that, while meritorious, the reform proposals most likely to afford a credible solution are still far from ready to be implemented. Ultimately, this Feature shows that retrieving a previously adopted interpretation of the notion of collective dominance within the meaning of Article 102 it is possible to capture horizontal shareholding within the prohibition laid out therein with minimal implementation and collateral costs.

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