

# MARKET AND COMPETITION LAW REVIEW

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## Editorial

*Sofia Oliveira Pais\**  
General Editor

The Editorial Board is proud to present vol. V (2) of the Market and Competition Law Review.

The opening article, written by Catarina Vieira Peres, discusses whether inverted and horizontal liability for antitrust infringements should be rejected. The Author follows the advocate-general in *Sumal* and argues that, both in public and in private enforcement, subsidiaries should not be held liable for an infringement committed by another legal entity solely for belonging to the same corporate group, if they were not involved in the infringement. Attribution of liability in those cases would not serve the principle of effectiveness, nor the deterrent goal.

In the following article, Marcos Araujo Boyd continues to analyse the concept of single economic unit and studies the intragroup exemption grounded in the concept of control and the relevance of the independence condition. The Author examines the recent Ecoservice judgment, which apparently removes the independence condition, and concludes that it should not be applicable outside the field of public procurement.

Afterwards, Luz M<sup>a</sup> García Martínez discusses the need to reform the scope of the EU merger control regime to include the supervision of non-controlling acquisitions to prevent common ownership cases. The Author focuses particularly on the positive role of index funds as monitors of good corporate governance, as well as on their anticompetitive effects, in search of the right balance.

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Subsequently, Viktorija Morozovaite reflects upon the challenges of digital advertising markets, and particularly upon the ability of Google to hypernudge users towards certain market outcomes. Google's local search advertising services – such as Google Maps and multi-channel integrated advertising campaigns – may lead to market manipulation and restrict consumer choice, which makes them eligible to be scrutinized by competition authorities.

In the last article, Rita Leandro Vasconcelos examines the European Commission's practice in what respects imposing or accepting remedies, discussing the limits to the European institution's activity and proposing an analytical framework that can guide its remedial action in antitrust cases.

In the final section of this issue, Inês Neves reviews the book of Helene Andersson, entitled "Access and Cartel Cases: Ensuring Effective Competition Law Enforcement".

Porto, October 2021