The recent German Federal Supreme Court decision on Facebook, ruling in favour of the Bundeskartellamt, posits an abuse of market power (a competition violation) arising from a restriction in the choice of Facebook users. Extending the principle of sovereignty in decision making to consumers' freedom of choice places consumer "exploitation" centerstage as a form of antitrust abuse. A step forward for how we think about cases in the data economy? The remedy, if implemented, would bring about "separation" of data assets: how does this fit into the big debate on effective remedies in data cases?

Cristina Caffarra will moderate an exceptional transatlantic discussion including three Heads of Agencies for Germany, France and the UK, and Commissioner Chopra of the FTC.
CONCURRENCES RELATED ARTICLES


About the Facebook case


3. Dina Jubrail, Maureen K. Ohlhausen, Matthew Levitt, Daniel Vasbeck, The Higher Regional Court of Düsseldorf suspends an order of the German Competition Authority on an alleged abuse of dominance in the social networks (Facebook), 26 August 2019, e-Competitions August 2019, Art. N° 92044


4. German Competition Authority, The German Competition Authority prohibits a social network company for abusing its dominant position by combining its user data from different sources (Facebook), 7 February 2019, e-Competitions February 2019, Art. N° 89221


5. Florian Bien, Germany : The Bundeskartellamt sends statement of objections to the world's biggest social network and qualifies its general terms imposed on users as abusive exploitation (Facebook), 19 December 2017, Concurrences N° 1-2018, Art. N° 86279, pp. 201-204


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