

# BUSINESS NETWORKS STRATEGIC ALLIANCES AND COMPETITION LAW: A COMPARATIVE APPROACH

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Business networks are a widespread phenomenon within the EU and on the international field.

The most recent studies have been focusing on the hybrids organizations on the basis that networks' business strategies are located between *Markets* and *Hierarchies*.

This paper sets out to analyse the potential impact offered by the European competition law, adopting a case-law-approach in the light of antitrust rules on vertical and horizontal agreements in order to point out a legal framework for business networks.

After comparing business networks to the group of companies, we outline ECJ case studies mostly in relation to vertical agreements and their compatibility with European competition law, namely Article 101 TFUE, which sets out the ban on agreements restricting competition and exemptions through the European Block Exemption Regulation (BER).

We consider the online marketplace's implications arising from the practice within a vertical network of imposing restrictions on sellers' use of online marketplaces. Furthermore we evaluate the restrictions of competition as well as the positive effects on the market and on the consumer welfare under Art. 101 TFUE and the Vertical Block Exemption Regulation, considering the legal approach they call for. Chapter III draws attention to the Italian Network Contract pursuant to

Legislative Decree no. 5/2009 and the many issues arising from the new legislation.

We show how the Network Contract overcomes the traditional division between contract and competition law as two separate categories.

Lastly, we take into account the recent developments in online markets (such as smart contracts, block chain technology, sharing economy, peer-to-peer lending) and the networks strategies following the impact of information and communication technology, as business networks are able to seize these new market opportunities.