

Description for the general public

The research is a response to the diametric change in the European Union's policy on merger control in mobile telecommunications, which took place in 2012. The objective of the project is the verification of the set hypotheses, which are meant to investigate the reason for this change in the absence of a change in the Merger Control Regulation.

The first hypothesis assumes that the evolution of the European Commission's merger control policy in the mobile telecommunications market is a result of a tendency for the Commission, which acts as both the sector regulator and antitrust authority, to "substitute" the diminishing powers under sector-specific regulation by impacting the market using the legal instruments of merger control.

The second hypothesis presupposes that the change is due to the fact that the Commission shows restraint on premature competition law interference in new markets *in statu nascendi*, which would explain a more liberal approach in the past;

The project's starting point will be a presentation of the sector-specific regulation of the electronic communications sector and its evolutionary transformations, which will identify the legal instruments with which the Commission could shape the market in the past and which have disappeared along with limiting the scope of sector-specific regulation. The project provides an in-depth analysis of the specifics of mobile telecommunications markets as oligopolistic markets, which will allow to identify the challenges that the oligopolistic market poses on competition law, and assess how the mobile telecommunications market stands in this regard.

The project will examine the policy of merger control in oligopolistic, regulated and the *in statu nascendi* markets, in order to determine whether in the case of these types of market the Commission has a particular model of conduct.

Additionally, the project provides a detailed analysis of the decisions taken by the Commission in the mergers of mobile telecommunications operators. These findings will be confronted with the models of conduct in oligopolistic, regulated and *in statu nascendi* markets, which will allow the hypotheses to be verified.

For the purpose of explaining the content of the law itself, the formal-dogmatic method plays a key role, allowing for the exegesis and interpretation of the content of terms used in the legal norms and the removal of doubt arising from these norms. While the core subjects of the study are elements of the European legal system, research will inevitably confront them with the law, doctrine and case law of other legal systems like American or New Zealand, which will naturally lead to the application of the comparative method. This will allow for a more critical approach to the EU solutions and a more complete assessment of their effectiveness. In the course of research, the historical method will play a particularly important role. It requires looking at the law as a dynamic social phenomenon with specific development paths. One must reflect not only on the changes in the law itself, but also on the dispute over the law, its application and interpretation. Combining the historical method with, above all, the formal-dogmatic perspective, will allow to fully understand the changes that have taken place within the framework of sector-specific regulation and merger law, the evolution of the European Commission's decision-making policy and the impact of changes in the law on the said evolution. Additionally, the consequence of the understanding of law as a set of norms of conduct in relations between people, built on the basis of certain values for the purpose of their realization and defense, brings the need to study law in axiological terms. This and the fact of parallel application of competition law and sector-specific regulation in the electronic connection sector calls for the necessity of confronting the axiological basis of both groups of legal norms.

The investigated groups of legal norms, by their very nature, limit the business activity of entities present on the market. An evaluation of the way in which they affect companies' behavior and the Commission's decisions on clearing or prohibiting the concentrations needs conducting an economic analysis of law, which means applying economic theories and econometric methods in order to investigate the law-making process, its structure, processes occurring in it and the impact of law and legal institutions on people, the economy and the state.

Research on merger control in the mobile telecommunications market in European Union is of an innovative character in Polish science. Pioneering is the exclusive focus on the mobile telecommunications market, in place of the classic focus on fixed telephony present in the doctrine, which is important because of the fundamental differences between the two markets. The researched problem is extremely relevant in the context of the emergence of the single market for electronic communications in the European Union and the developments related to this process, important primarily for mobile telephony operators. Achieving the project goal will have a significant impact on the development of scientific discipline and civilizational development, as a new voice in the ongoing debate on the shape of the emerging single electronic communications market in the European Union.