

## Editorial

JONATHAN GALLOWAY AND MARK FURSE

**The Union at 60** 201

## Articles

MAGNUS STRAND

**Labours of Harmony: unresolved issues in competition damages** 203

In this article three aspects that are crucial to private enforcement of competition law but nevertheless remain unresolved in the new EU regime are identified and discussed: national criteria of fault, national variations to the causation test to be applied, and national rules on the award of interest.

CENTO VELJANOVSKI

**The law and economics of pass-on in price fixing cases** 209

The *Sainsbury's Supermarkets v MasterCard* decision establishes the pass-on “defence” in English law. The Competition Appeal Tribunal set out a two-part test which it erroneously distinguished from the economists’ notion of pass-on. It then went on to develop key elements of legal pass-on in price fixing cases. This article critically assesses the Tribunal’s judgment within a law and economics framework. It provides a rounded interpretation of pass-on as both a defence and offence, and identifies cracks which are appearing in how the Tribunal dealt with pass-on.

PROFESSOR BARRY J. RODGER

**Implementation of the Antitrust Damages Directive in the UK: limited reform of the limitation rules?** 219

This article will examine the implementation of the Antitrust Damages Directive in the UK, focusing on one central aspect, namely the reforms introduced to the limitation (and prescription) of actions in a competition law context. The changes to the claimant’s knowledge requirements in particular it is argued will ensure that this is no limited reform of the limitation rules in competition litigation practice.

ARIANNA ANDREANGELI

**The consequences of Brexit for competition litigation: an end to a “success story”?** 228

This article argues that the UK’s exit from the EU may jeopardise the right of access to justice of competition claimants as it may become far more complex to establish jurisdiction in the British courts, at least until the UK negotiates a certain legal arrangement with the Union.

CHRISTOPHER HODGES

**Ethical business regulation and competition enforcement: challenging orthodoxy** 237

Deterrence has shifted to affecting future behaviour through reliance on behavioural psychology. Ethical Business Regulation is now emerging in many sectors as the model to support regulatory compliance and business growth.

## Book Reviews

AZZA RASLAN

**Economic Characteristics of Developing Jurisdictions: Their Implications for Competition Law** 247

DR BRUCE WARDHAUGH

**The Role of Economic Analysis in EU Competition Law: The European School, 4th edn** 248

## National Reports

**Austria**

**MERGERS**

**Gaming and betting** N-57

**Canada**

**ANTI-COMPETITIVE AGREEMENTS**

**E-books** N-58

**Denmark**

**MERGERS**

**News media N-58**

**Denmark**

**ANTI-COMPETITIVE AGREEMENTS**

**Grocery retail N-59**

**Ireland**

**ANTI-COMPETITIVE AGREEMENTS**

**Trade association N-59**

**Latvia**

**MERGERS**

**Grocery retail N-61**

**Romania**

**ANTI-COMPETITIVE AGREEMENTS**

**Cereals market N-62**

**Slovenia**

**MERGERS**

**Sports retailing N-63**

**Sweden**

**ABUSE OF DOMINANT POSITION**

**Snus N-64**

**Sweden**

**ABUSE OF DOMINANT POSITION**

**Mail delivery services N-64**

**Sweden**

**MERGERS**

**Heating systems N-64**

**Turkey**

**ABUSE OF DOMINANT POSITION**

**Telecommunications N-65**