

Articles

ALISTAIR LINDSAY

UK merger control developments in Q1 2017 301

This article deals with developments in UK merger control in Q1 2017, notably the CMA's willingness to accept UILs, the impact of Brexit on UILs, trends in the use of GUPPI and IPR, and developments in de minimis and exiting firms.

BAPTIST VLEESHOUWERS AND
THOMAS VERSTRAETEN

The Postman Always Rings Twice... On the application of the ne bis in idem principle in competition law 305

This article assesses the Brussels Court of Appeal's *bpost* judgment and the CJEU and ECtHR's divergent interpretations of *ne bis in idem* in competition cases. The authors conclude that the CJEU's approach cannot be justified and has the result of putting national courts in the awkward position of having to umpire between Strasbourg and Luxembourg. The authors also discuss possible safeguards to avoid breaches of *ne bis in idem* by regulators with overlapping competences.

KATRI HAVU AND XIAOWEN TAN

Procedure, Duration, Reasoning and Fines: Notes on the Basis of Case C-519/15 P Trafilerie 316

Inspired by Case C-519/15 P *Trafilerie*, this article discusses some topical matters of competition procedure and litigation, namely, inability to pay fines, the obligation to state reasons, and excessive duration of proceedings.

DAVID MWONI NDOLO AND DR
MARGARET LIU

Is this the end? The effect of Brexit on the arbitration of EU competition laws in the UK 322

This article critically assesses the arbitrability of EU competition law and the potential impact of Brexit on the arbitration of the mandatory EU competition laws in an independent self-governing United Kingdom in light of the Prime Minister's speech in January 2017 in which she set out the government's negotiating objectives.

DR MICHELE GIANNINO

Utopia: The Luxembourg Competition Authority retrospectively reviews a merger on the ground of article 102 TFEU 331

Despite the lack of national merger control provisions, applying *Continental Can* the Luxembourg Competition Authority reviewed the competition impact of a merger on the ground of art.102 TFEU. Eventually, it accepted the failing firm defence and ruled that the merger did not restrain competition nor it amounted to an abusive conduct.

Comment

DR FEDERICO MARINI BALESTRA
AND DR RICCARDO TREMOLADA

Digital markets and merger control – Balancing big data and privacy against competition law: a comment on the European Commission's decision in the Microsoft/LinkedIn merger 337

From professional social networks in the European Commission *Microsoft/LinkedIn* merger decision to big data and data privacy: exploring the new analytical framework for the competition law assessment of mergers in the information technology sector.

National Reports

Canada

MERGERS

Sodium chlorate N-77

Denmark

ANTI-COMPETITIVE AGREEMENTS

Trade associations N-77

Germany

LEGISLATION

Act Against Restraints on Competition N-78

Ireland	ANTI-COMPETITIVE AGREEMENTS Transport services N-80
Italy	ANTI-COMPETITIVE PRACTICES Public transport N-81
Slovenia	PROCEDURE Competition Protection Agency N-83
Spain	PROCEDURE Competition Authority N-83
Spain	PROCEDURE Investigation and decision-making N-84
Spain	ANTI-COMPETITIVE PRACTICES Transport services N-84
Spain	ANTI-COMPETITIVE PRACTICES Infringement N-85
Spain	ANTI-COMPETITIVE AGREEMENTS Public procurement N-86
Spain	ANTI-COMPETITIVE PRACTICES Rail-freight N-86
Spain	ABUSE OF DOMINANT POSITION Pharmaceuticals N-87
Spain	MERGERS Health care N-87
Turkey	ABUSE OF DOMINANT POSITION Telecommunications N-88
UK	PROCEDURE Actions for redress N-89
US	MERGERS Health care insurance N-91
US	INTERNATIONAL Antitrust enforcement N-92
US	ANTI-COMPETITIVE AGREEMENTS Intellectual property licensing N-93