

Articles

GIOVANNI PITRUZZELLA AND LUCA ARNAUDO

On vaccines, pharmaceutical markets, and a role for competition law in protecting (also) human rights 347

Following a sector inquiry issued by the Italian Competition Authority, the article analyses the main features of the vaccine industry and related markets, both at a national and supranational level. Final considerations are made with respect to the role of antitrust in supporting human rights by enhancing access to essential medicines.

DANIEL MANDRESCU

Applying EU competition law to online platforms: the road ahead — Part 1 353

The adequate application of EU competition law to online platforms will entail multiple challenges to the current framework, which are yet to be comprehensively explored. This contribution provides an overview of such challenges that enforcement authorities and undertakings will face in absence of certain modifications to the framework of arts 101 and 102 TFEU.

DR MARIA MESCH

Exclusive dealing agreements within the scope of the Block Exemption Regulation 366

Despite the proliferation of exclusive dealing agreements, which has been demonstrated impressively by the Commission's interim report on the e-commerce sector enquiry, the European framework conditions regarding permissible arrangements under competition law remain unclear in many aspects. The article outlines competition law limits which ought to be considered and specifies unclear provisions, in particular those with regard to exclusive dealing arrangements in form of territorial restrictions and non-compete obligations. Prerequisite for an effective reservation to the supplier in accordance with art.4(b)(i) alt.1 of Commission Regulation (EU) 330/2010 on the application of art.101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (the Block Exemption Regulation) should be a demonstrable strategy of the supplier with regard to how the latter plans to operate the territory in question within the next six months. A reduction (i.e. preservation of the unfair clause with content which is still permissible) of an overlong non-compete obligation in order to meet the exemption limits laid down in art.5(1)(a) of the Block Exemption Regulation should not be permitted.

PEDRO CALLOL AND JORGE MANZARBEITIA

Antitrust damages litigation — key aspects of cartel damages cases in Spain 374

This short article considers some of the key questions that usually arise in relation to cartel damages claims under Spanish law. We discuss the applicable regime from a practical point of view based on our court experience, comparing the new rules with the hitherto applicable Civil Code based rules (which will continue to apply on a subsidiary basis to matters not specially regulated by the EU Damages Directive and implementing law).

ELENA MAGGIO

Relationship and agreement on app distribution platforms 381

This article is the first part of a broader essay on the competitive dynamics of app distribution platforms and aims to give a legal point of view on the most widely-used agreements and contracts between distribution platforms, app developers and terminal producers.

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EDWARD PITT

Times past: when fixed prices were fair prices 389

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