

Articles

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Brexit, merger control and potential reforms 435

In this article on the implications of Brexit for merger control, we ask whether a new relationship with Europe might prompt the amendment to merger control rules in the UK. We speculate whether there may be consequences for the jurisdictional thresholds, the voluntary regime and/or grounds for intervention.

Significant restrictions of competition: lessons from the Swiss Federal Supreme Court's decision in Gaba 437

With the *Gaba* judgment, the Swiss Federal Supreme Court finally shed some light on what is considered a significant restriction of competition under Swiss competition law. Most notably, the Court held that certain agreements already constitute significant restrictions of competition because of their object. Moreover, the decision clarifies certain questions concerning the geographic scope of the Swiss Cartel Act and the conditions for direct sanctions.

Gun jumping: the unaddressed issues in pre-merger negotiations in India 441

The article analyses the effectiveness of the Competition Commission of India's merger control regime by juxtaposing it with the inadequacies prevalent in pre-merger negotiations that may trigger the notification scheme. It seeks to resolve the unanswered questions surrounding gun jumping, and advocates for the evolution of definite regulations. Towards this objective, the article provides a comparative analysis of gun jumping laws in major jurisdictions like the US and the EU.

Transatlantic perspectives on Reverse Patent Settlements 451

European and American analytical standards of assessment of legality of RPS were compared in the article. The author also researched whether US legal procedures may be effectively used to claim damages for harm caused by RPS in Europe.

Tactical litigation in the post-Recast Brussels Regulation era 457

The goal of this article is to critically assess the motivations behind the Recast Brussels Regulation and carry out an analysis on whether the reform has helped to reduce the scope for tactical litigation, torpedoes and parallel proceedings. In order to achieve the goal of this article, a number of legal research methods are relied upon. First, doctrinal research methodology is used through a comprehensive analysis of Brussels Regulation in the pre- and post- Recast Brussels era. The relevant articles are examined to determine whether there have been material changes following the reforms. Secondly, theoretical conceptualisation is relied upon in this article as it offers scope to critically review concepts and doctrines in order to find relationships and build theory. The findings from this research will inform academics and practitioners, especially in the field of international law, about the implications of Recast Brussels reform on tactical litigation within the EU.

The Draft Directive on the Powers of National Competition Authorities: The glass half empty and half full 470

In March 2017 the EU Commission published a draft Directive on NCAs' enforcement powers. The article analyses the objectives, legal basis and novelty of the Directive in comparison to the existing EU acquis. The Council and the Parliament will debate the legislative proposal in the coming months.

Vertical restraints on internet sales in EU competition law 478

The internet is a worldwide channel of trade with risks and opportunities for businesses, and new challenges for competition law. This contribution addresses vertical restraints on internet sales under competition law, in particular how far the distributor can limit its freedom to conduct business online.

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