

European Competition Law Review

2020 Volume 41 Issue 1

ISSN: 0144-3054

Table of Contents

Editorial

ALEXANDER M. WAKSMAN

Editorial 1

Articles

ADRIAN RENDER & SEBASTIAN PEYER

Are cases too good to litigate? Cost recovery in antitrust collective actions in the UK 3

The UK's collective action regime has not taken off as many predicted, partly because the majority of funders (and lawyers) believe that success fees can only be received post-distribution (Rule 93(4)). This article shows that belief is based on an incorrect, simplistic reading of the legislation and CAT Rules.

FARRUKH NAWAZ KAYANI

The contemporary competition law of Pakistan 13

The Contemporary Competition Law of Pakistan is a broad-based modern competition law and is based upon the Competition Act of Pakistan 2010. The Competition Law of Pakistan prohibits the abuse of market dominance, monopoly agreements, anti-competitive mergers and deceptive marketing practices in order to promote healthy competition and the welfare of the consumers in the economy. The Competition Commission of Pakistan is solely responsible for the enforcement of the Competition Law of Pakistan.

ULRICH SOLTÉSZ

EU State aid law and taxation—Where do we stand today? 18

With its crusade against “aggressive tax planning measures”, the European Commission has made companies, advisors and Member States rather nervous during the last years. The following article summarises recent case law from Luxembourg and asks the question whether we can expect more “self-restraint” from the Commission in the future.

PRATEEK SURISSETTI

Matrimony.com Ltd v Google: an Indian perspective on a world-wide regulatory phenomenon 26

With regulatory bodies across jurisdictions attempting to effectively regulate technology-based markets, the ensuing comment attempts to provide an Indian perspective to the world-wide phenomenon. In February 2018, the Competition Commission of India fined Google Rs 135.86 crore. The implementation of certain design elements (“Universal Results” and “Flight Units”) and Google's Direct Search Intermediation Agreements were held to be in violation of India's antitrust laws. Though certain sections of the Indian media have extolled the CCI's decision, a detailed analysis reveals that the decision is riddled with issues of insufficient evidence, unsubstantiated assertions and disengagement with Google's arguments. Therefore, a thorough, referenced deconstruction of the cumbersome decision (190 pages) is essential to identify and appreciate the legal flaws and policy concerns strewn throughout the decision. While the CCI should be credited for establishing certain broad regulatory principles concerning technology-based markets, the lack of rigour in analysis suggests that Indian antitrust jurisprudence is still nascent, and it is hoped that the appellate adjudicatory body rectifies the CCI decision's shortcomings.

DR LUKAS SOLEK AND EVA BEYER BLUMENTAL

Geo-blocking at the cross-section between competition law and regulation 48

Geo-blocking measures may under certain circumstances fall within the ambit of arts 101 and 102 TFEU as well as the Geo-blocking Regulation. This raises a myriad of questions, not least regarding the double jeopardy. To this end, this article explores the scope of arts 101 and 102 TFEU and the Geo-blocking Regulation as well as the legal assessment of geo-blocking measures under both regimes.

Book Reviews

DR VINCENT J.G. POWER

Competition Law Compliance Programmes: An Interdisciplinary Approach 58

National Reports

Canada

ABUSE OF A DOMINANT POSITION

Rental water heater market N-1