

Articles

ANIKO ADAM, SOPHIE HALLS & AMY RYAN

Changing digital advertising landscape—Overview of EU and UK competition cases and regulatory initiatives 209

The digital advertising industry has experienced a flurry of regulatory activity, both at the EU and UK level. This article provides an overview of the mergers, investigations and market inquiries examining advertising technology and the role of data in online advertising, and the proposed regulatory reforms affecting advertisers, ad tech providers and publishers.

LUCA MARRUZZO

UEFA's monopoly v the European Super League: Chronicle of an already written ending? 219

This article discusses the conflict between UEFA and the European Super League within the framework of breakaway leagues. As a result of this breakaway threat, UEFA may abuse its monopolistic position on the market. In light of the pending dispute before the CJEU, it will be discussed whether the sanctions threatened by UEFA will be compatible with EU competition law.

ARTTU MENTULA

Finnish Eltel precedent case and limitation period in cartel matters 230

The European Court of Justice gave a preliminary ruling in the Finnish *Eltel* case related to the limitation period of fines in cartel matters regarding a tender for the award of a public works contract. After the Court of Justice's preliminary ruling, the Finnish Supreme Administrative Court had to take a stand on whether the alleged cartel infringement was time-barred. This decision will also affect other cartel cases within the European Union when assessing whether proposed or imposed cartel fines can be time-barred.

ARLYN WIENER

Crises pass, but mergers remain: EU merger control during the COVID-19 pandemic 238

The COVID-19 crisis had many implications on the economy and not least on merger control. This article explores the procedural flexibility of the European Commission to deal with the unprecedented circumstances as well as the challenges to its substantive merger assessments. Finally, this article argues that a strong guardian of competition is needed especially during crises, as *crises will pass, but the mergers remain*.

Comment

FRANCESCO LIBERATORE, OLIVER GEISS & RUGGERO CHICCO

The Altice judgment—Merger control obligations, early implementation and gun-jumping 250

Gun-jumping refers to the situation in which parties to a transaction, such as a merger or an acquisition, complete it, or partially implement it, prior to obtaining approval by the relevant competition authority. By reference to the General Court of the Court of Justice of the European Union's recent *Altice* decision, we introduce the twin notification and standstill obligations which underpin the EU and other jurisdictions' gun-jumping regimes, and highlight potential pitfalls and remaining areas of uncertainty in relation to those obligations.

Opinion

KASPER ERNEST & MATTEO POIDOMANI

Intra-brand competition in the pharmaceutical sector: comments to the CJEU Advocate General's Opinion in cases C-147/20, C-204/20 and C-224/20 256

On 13 January 2022, Advocate General Szpunar delivered his opinion in cases *Novartis Pharma GmbH v Abacus Medicine A/S* (C-147/20), *Bayer Intellectual Property GmbH v kohlpharma GmbH* (C-204/20) and *Merck Sharp & Dohme BV, Merck Sharp & Dohme Corp., MSD DANMARK ApS, MSD Sharp & Dohme GmbH, Novartis AG, FERRING LÆGEMIDLER A/S, H. Lundbeck A/S v Abacus Medicine A/S, Paranova Danmark A/S, 2CARE4 ApS* (C-224/20). The Opinion diverts significantly from other case law from the European Court of Justice (CJEU) and would set the precedent for a new doctrine on intra-brand competition in the EU's internal market. Hence, the Opinion contains several points which could give rise to considerable concerns from a competition point of view.

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