

## Articles

EDURNE NAVARRO VARONA &  
ALBERTO PÉREZ HERNÁNDEZ

### **New Vertical Block Exemption Regulation and Vertical Guidelines 490**

The European Commission has passed the new Vertical Block Exemption Regulation, which replaced the 2010 one and its accompanying Vertical Guidelines, adapting them to a new digital platform economy and the consolidation of internet sales. This article explores the amendments, which provide more flexibility for some practices and tighten others that are no longer under the scope of the safe harbour.

DR ARIANNA ANDREANGELI

### **The Digital Markets Act and the enforcement of EU competition law: some implications for the application of articles 101 and 102 TFEU in digital markets 496**

This article considers some of the implications of the Digital Markets Act might have for the effectiveness of arts 101 and 102 TFEU. It examined its impact on public competition enforcement at EU and at national level. It also interrogates the impact of the new regime on the observance of the principle of *ne bis in idem* in competition cases.

PROFESSOR MAREK MARTYNISZYN

### **Intel, iiyama and Air Cargo: far-reaching extraterritorial application of EU competition law 505**

Recently, the EU Courts provided a number of clarifications and overall expanded extraterritorial application of EU competition law. The law can now reach further and better deal with more complex scenarios of modern commerce, especially value chains. This article looks, in particular, into *Intel*, *iiyama* and *Air Cargo* cases.

DR MARGARET LIU

### **Antisuit injunction: paving the way to arbitration of antitrust claims? 513**

This article critically assesses the tendency of arbitration of antitrust claims dealing with FRAND-related disputes. The findings indicate that the issuance of anti-antitrust injunction in *Nokia v Continental* is open for global battle to determine the FRAND rates between SEP holders and standard implementers, thus might confiscate contractual arbitration agreement.

DANISH KHAN

### **India: Competition (Amendment) Bill 2022: Analysis of the substantive amendments 519**

The Competition Act, 2002 (the Act), is the principal statute governing competitive processes in the free market economy in India. The law provides for the establishment of the Competition Commission of India (CCI) to, inter alia, promote and sustain competition in the market as well as prohibiting anti-competitive conduct causing appreciable adverse effects in competition in the markets in India. The substantive antitrust-related provisions of the Act—s.3 dealing with anti-competitive agreements and s.4 dealing with abuse of dominance—have been enforced since 2009. The substantive merger control-related provisions of the Act—s.6 providing for mandatory notification of transactions which qualify as combinations, and s.43A which makes non-notification as per s.6 punishable with fines—have been enforced since 2011. The intervening years have provided ample opportunities to observe the law in practice and identify multiple areas of improvement within the statute as well as its implementation by the CCI. The Government of India recently introduced the proposed Competition (Amendment) Bill, 2022 to amend the Act. The Bill is largely based on the recommendations of the 2019 Report of the Competition Law Review Committee (CLRC Report). The present report analyses the substantive changes proposed by the Bill to the antitrust and merger control-related provisions of the Act. Personal comments of the author, where necessary, have been provided.

MARTIN TOSKOV

### **The Future of the *Bronner* Essential Facilities Doctrine after *Google Shopping* 524**

The emergence of self-preferencing as a separate category of abuse in *Google Shopping* was foreshadowed by the confinement of the essential facilities doctrine. This is logical, as the doctrine is unworkable in the platform-based digital economy. The scope of abusive self-preferencing is not yet clear, however, ex ante rules and further limitation of the doctrine's applicability are the right way forward.

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