

## Editorial

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## Articles

OLES ANDRIYCHUK

### **Unboxing the UK Digital Markets, Competition and Consumer Bill** 322

The Digital Markets, Competition and Consumers Bill (DMCCb) is a new legislative proposal introduced by the UK Department for Business and Trade. The law aims to regulate ex ante competition in digital markets. The purpose of this article is to offer an outline of the text. Unlike the EU equivalent (the Digital Markets Act) the DMCCb was never discussed by competition community as a legal text—more like a series of concepts. In this sense, it is a cat in a bag. The cat has many advantages and some shortcomings. The most systemic ones are articulated in this article.

PHEDON NICOLAIDES

### **The evolving case law on regional state aid** 331

Regional development is the second most important horizontal objective for State aid measures. The EU27 and the UK granted in 2020 more than €18 billion to support regional investment projects. This article is a companion piece to an earlier article on the European Commission's decisional practice on large regional projects. This article reviews the case law of the Court of Justice of the EU (the Court) on regional aid. The Court has never annulled any Commission guidelines on regional aid. But it has required the Commission to abide by those guidelines. In general, the Court has confirmed that regional aid must be capable of remedying regional handicaps and of changing the behaviour of the recipients. In addition, it must comply with the principle of proportionality.

ANNE-CLAIRE HOYNG, DR  
AVANTIKA CHOWDHURY AND  
TAMRAT SHONE

### **Economic analysis and empirical methods to assess competitive constraints for digital platforms/ecosystems** 348

Market definition—i.e. assessing the relevant product and geographic market(s)—remains the starting point of any competitive assessment/competition case. The usefulness of market definition as a first step in competition analysis is well-recognised. Notwithstanding, it has been acknowledged more broadly, that in the specific contexts of digital platform markets market definition (SSNIP test) may be too rigid a tool, and it may not capture relevant competitive constraints fully. In this article we elaborate on how a traditional approach to market definition can lead to distorted conclusions about market power and competitive effects when it comes to digital platforms/ecosystems. We then show how existing and new behavioural tools can be applied to get a better understanding of the market boundaries and the competitive constraints that digital platforms face. This article will show that, whether it is in merger control, the assessment of a specific conduct or regulation relating to a digital platform/ecosystem, existing and new economic tools and techniques can be adapted to help assess competitive constraints and assess market power in the right way.

CLARA BEATRICE CALINI

### **Antitrust enforcement in Italy: recent trends and cases** 356

This article describes the activity conducted by the Italian competition authority in the last few years, primarily against digital players and to promote sustainability. It also focuses on Italy's anti-cartel enforcement/leniency trends, including on bid-rigging, as well as on the path going ahead, with opportunities stemming from new powers to act on mergers below thresholds and abuse of economic dependence.

ALEXANDER HASE

### **Pay-for-delay—pharmaceutical patents in the competition law assessment** 367

Pay-for-delay refers to a certain kind of patent settlement agreements concluded between pharmaceutical companies that are normally considered problematic from a competition law perspective. However, in order to determine whether pay-for-delay agreements are restrictive of competition, consideration must be taken to two questions of patent, which complicates the competition law assessment of these agreements.

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