

## Editorial

EMILIANO MARCHISIO

## Articles

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### **Pay-for-delay is (almost) dead: long live the—not so novel—abuse of patent procedure and disparagement 373**

In this article, we explore current and recent enforcement activity in Europe in respect of both “abuse of patent procedure” and “disparagement” in the pharmaceutical sector, revisit some of the older case law and decisional practice, and offer some suggestions as to the legal framework applicable in respect of each category of abuse.

### **Too big to fail and antitrust law 381**

The article examines the “too big to fail” issue from an antitrust law perspective. Companies with a certain size or “systemic relevance” benefit from a de facto government guarantee—in emergency situations, governments bail them out to prevent economic repercussions. The article analyses competitive advantages related to this government guarantee and determines how they could be taken into account in antitrust law.

### **Effective enforcement of the European Commission’s decisions under antitrust law—a survey-based analysis 385**

This article provides a comprehensive analysis of the enforcement of fines and pecuniary obligations imposed by the European Commission (EC) under art.299 Treaty on the Functioning of the European Union (TFEU)—an issue which has, to date, been treated only rudimentarily in literature/judicature.

### **Highlights and remaining issues of the amendment to China’s Anti-Monopoly Law 403**

The first amendment since it was promulgated in 2007 to the Anti-Monopoly Law of the People’s Republic of China (PRC) came into effect in August 2022. From a macro perspective, this amendment emphasises the fundamental status of competition policy through statutory law and introduces a fair competition review system; while in terms of micro aspects, it strengthens anti-monopoly regulation of the digital economy, introduces “safe harbour” to the provision against vertical agreements, and enhances legal responsibilities for illegal acts. Nevertheless, the revised articles are worth further discussion and improvement. Additionally, this amendment should not only recruit new contents, but also scrap old-dated provisions with theoretical or practical defects.

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