

## Articles

PROF. MATEUSZ BŁACHUCKI

### **Establishment of Nord Stream 2 under Polish Merger Control Rules 339**

The legal definition of a joint venture as a form of concentration exhibits significant disparities across various national jurisdictions. The establishment of Nord Stream 2 constitutes a notable transaction, which underwent evaluation by the Polish National Competition Authority. The outcome of this evaluation led to the imposition of record fines for failure to notify a concentration. However, the significance of the case lies not merely in the magnitude of the fines but rather in the conceptual framework applied, wherein a contractual relationship between undertakings, devoid of the creation of a new undertaking or bestowal of ownership rights over an existing one, can be construed as a joint venture. This novel interpretation of joint venture has encountered substantial resistance within the Polish judicial system. This article undertakes an analysis of the legal challenges associated with the fines levied by the Polish NCA in the Nord Stream case. Simultaneously, it offers insights into the concept of joint ventures and the evaluation of concentrations following substantive changes in circumstances.

MARTINA MORABITO AND DR  
ANDREAS GEIGER

### **The EU Lobbying Directive on Foreign Governments 347**

Political lobbying can be a powerful tool to influence competition policy. As President Roosevelt put it: “*You convinced me, now go out there and bring pressure on me*”. Foreign governments know that. In EU law making, you either have a seat at the table in Brussels, or you are on the menu. That's where the new EU lobbying directive comes in.

ALEXANDRE L. DIAS PEREIRA

### **Competition in the Online Platform Economy: Online Sales and Advertising under EU Competition Rules for Digital Markets 354**

The online platform economy faces regulatory and competition challenges, as some platforms dominate the market, causing concerns about unfair practices and antitrust. Online intermediation services facilitate B2B and B2C direct transactions in the digital marketplace, but online sales and advertising may be restricted by commercial policies, such as selective distribution, resale price maintenance, territorial restrictions, platform bans, and cross-border sales restrictions. This paper addresses the regulatory framework adopted by the European Union to protect competition in the online platform economy, including the Digital Markets Act and the regulation on vertical agreements block exemption.

DANIEL MANDRESCU

### **The Commission Notice on the Definition of the Relevant Market and Multi-sided Digital Platforms—Small but Important Steps Forward 359**

The new Commission Notice on the definition of the relevant market marks a significant update to the current enforcement practice of EU competition law. This update has been especially anticipated in the context of digital platforms, which present multiple challenges for the market definition. This contribution explores to what extent the new Notice manages to address these challenges and future-proof the market definition.

LUKAS HECHT

### **Seisure of Power or Co-Legislator? The Court of Justice of the European Union Rulings on the One-Federation-Principle and the Future of Lex Sportiva 371**

Reviews the Court of Justice of the European Union cases ISU and European Super League and their impact on international sports federations and the one-federation-per-sport-principle. Discusses the challenges and opportunities which the judgments pose for the transnational sports law known as *lex sportiva*.

## Opinion

RICHARD HOWELL

### **Consequences of Breaching Time Limits under UK Merger Control Law 381**

“Considers whether the Court of Appeal of England and Wales was right to hold that a failure by the Competition and Markets Authority to publish its report on a Phase II merger reference within the statutory time limit was not fatal to its investigation of the merger.”



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