

Editorial

JAMES HARVEY

Editorial: Issue 4 131

Articles

LUC PEEPERKORN AND FRANK
WIJCKMANS

'By Object' or not 'by Object': Issues Resolved? 132

The Grand Chamber judgments of the Court in Superleague, ISU and RAFC address heavily debated issues on the 'by object' characterization of coordination between firms. The article takes stock of where the caselaw has landed to date, points at the areas where legal certainty is provided and identifies issues that still render the practical application of the 'by object' test in certain cases delicate and difficult. The Court distinguishes between two main categories of by object conduct. In case of naked cartels, the economic and legal context are of less relevance, while for other horizontal practices and vertical practices the context plays a more significant role in establishing a by object classification. The underlying message seems to be that, as competition is in the end all about effects, jumping to a 'by object' classification requires the utmost of care. It is also welcome that the Court has brought overall consistency between the approach for finding 'by object' conduct under arts 101 and 102 TFEU. In particular for the second category of by object conduct, it would be helpful if future case law would provide clarification on the role of the market position and market power of the parties in the assessment of the economic context and the way in which pro-competitive effects demonstrated by the parties should or may be factored into the 'by object' analysis.

FRANCESCO RIZZUTO

The Implications of the FIFA Ruling of the European Court of Justice for Professional Footballers and Their Clubs and Interclub Professional Football Competitions in Europe 150

This article focuses on the competition law aspects of the FIFA ruling and considers the competition law implications for the organisation and conduct of interclub football competitions of the restrictive employment and registration rules of international and national football associations of the ruling. The article concludes that the ruling is unlikely to transform the player transfer market and the balance of economic power between football clubs as some analysts have suggested.

MOHAMED ELFAR, HANIA NEGM
AND MOHAMED ELBAROUDY

Competition Enforcement and the Movie Industry in Egypt: Intersections between Drama and Enforcement Practicalities 167

The article explores the intersection of media, particularly movies and drama, with competition law enforcement in Egypt. It highlights how Egyptian movies have addressed anticompetitive concerns and the role of the Egyptian Competition Authority ("ECA") in the movie industry. The article emphasises the potential for collaboration between the ECA and the movie industry to enhance competition law enforcement and awareness in Egypt.

National Reports

Canada

MERGERS

Merger control N-65

Czech Republic

COMPETITION

Decision N-66

Finland

PROCUREMENT

Legislative proposal N-67

France

ANTI-COMPETITIVE PRACTICES

Judgment N-68

France

ANTI-COMPETITIVE PRACTICES

Infringement N-69

Ireland

COMPETITION

Institutions N-69

Portugal

ANTI-COMPETITIVE PRACTICES

Investigation N-72

Portugal

MERGERS

Merger control N-72

Portugal

COMPETITION

Policy N-73

South Africa

MERGERS

Merger control N-75

Spain

ANTI-COMPETITIVE PRACTICES

Infringement N-78

Spain

MERGERS

Merger control N-79

Sweden

MERGERS

Judgment N-80

Sweden

ANTI-COMPETITIVE PRACTICES

Investigation N-82

Türkiye

ANTI-COMPETITIVE PRACTICES

Investigation N-85