

Editorial

JAMES HARVEY

Editorial: Issue 3 85

Articles

PROFESSOR FRANCESCO RIZZUTO
AND DR MONIKA EWA LYNCH

The Nissan Iberia Ruling of the Court of Justice of the European Union: Legal Certainty on the Altar of a Legal Fiction 87

In *CP v Nissan Iberia SA*, the CJEU confirmed that victims of competition law infringements bringing a follow-on action for damages will not be able to rely on challenged infringement decisions of NCAs before national courts until the infringement decision is either unchallenged or judicially confirmed and therefore final. It has ruled that the limitation period for bringing a damages claim is triggered at the point when the decision is final and is officially published. By clarifying when an NCA infringement decision is final and limitation periods triggered, the CJEU has strengthened victims' rights to compensation but risks undermining the timely, uniform and consistent right to damages.

J. NICOLÁS OTEGUI NIETO

Retail and Real State: A Deadly Combination? 99

Could holding (retail real estate) assets at a loss qualify as an abuse of dominance? Can abuse of dominance theories of harm evolve further? In this short essay we will try to answer those questions in a fictional real estate case, in which we will explore whether holding a commercial surface (or any privately held but "indispensable" asset) at a loss while competitors might be needing to access it could configure a case of leveraging abuse of dominance.

MARINA FERNÁNDEZ GORDON

The Geopolitics of EU Competition Law 104

Despite a consensus that EU competition law strives to be 'apolitical', enforcement in the last decade has increasingly targeted Big Tech. This coincides with the EU's growing emphasis on strategic autonomy and technological sovereignty. The present Article addresses the often-unacknowledged intersection between competition law and geopolitics, using the example of dominant American firms. It does so by investigating the extent to which EU competition enforcement supports the Union's strategic aims, focusing on four cases involving merger control and art.102 TFEU. Employing a macro-level analysis of the link between competition law and geopolitics, and a micro-level review of four decisions touching different strategic resources, the Article argues that EU competition enforcement, particularly in the tech sphere, contributes to the Union's geopolitical aspirations. The findings show that where strategic resources are at stake, competition enforcement can support EU geopolitical aims, regardless of explicit intent.

Comments

BEVERLEY ROBERTSON

Evans v Barclays Bank on Opt-Out Collective Proceedings: Is the Supreme Court Right about the Risks to Defendants? 119

ELEONORA CARAVÀ

Case Note on Italian Council of State Judgement No. 8398 of 29 October 2025 (Google Italia v Enel X Italia): The Day of Reckoning 126

Book Reviews

KENA ZHENG

Competition Law and Policy in the Western Balkans (European Union and its Neighbours in a Globalized World, 22, Band 22) by Jasminka Pecotić Kaufman, Gentjan Skara and Alexandr Svetlicinii 130

DR. ARNDT CHRISTIANSEN

Internet Empire: The Hidden Digital War by Sean F. Ennis 132

National Reports

European Union

ANTI-COMPETITIVE PRACTICES

Judgment N-47