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### BIOGRAPHY

George is an Associate in the Antitrust & Competition team, based in the London office.

George has extensive experience advising on UK and EU competition law, with a focus on anti-competitive agreements (horizontal and vertical agreements), abuses of dominance, cartel behaviour, and merger control. George also advises on complex regulatory matters (including investigations), with particular expertise in water and aviation regulation.

George has experience of litigating competition disputes (including a judicial review) in the High Court of Justice and the Competition Appeal Tribunal.

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### Lassana Diarra foils FIFA's transfer rules

It is pretty rare for judgments of the European Court of Justice ("ECJ") regarding the freedom of movement for workers and competition rules to grab news headlines. However, the ECJ's ruling in C-650/22 ("Diarra") has certainly kick-started global debate on the restrictions inherent in football's transfer system, and whether they are compliant with wider legal requirements. The ECJ on 4 October 2024 clarified that certain of FIFA's transfer rules which (in effect) disincentivised unilateral termination of a player's contract (by club or player) without "just cause" are incompatible with Article 45 and 101 of the Treaty on the Functioning of the European Union ("TFEU"), that is, the rules on the freedom of movement for workers and the prohibition on anti-competitive no-poach agreements within the EU. Subject to the Belgian Court of Appeal ruling that these rules are capable of objective justification (which is unlikely in light of the...

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### Showing anti-competitiveness the red card

The European Union's Court of Justice ("ECJ") went into the 2023 winter break in style, publishing a hat-trick of judgments (hereafter referred to as SuperLeague, ISU, and Royal Antwerp) regarding the application of competition law to the governance of sport. These judgments are an El Classico of sorts for sports and competition law aficionados, with far reaching implications for rule-makers (such as FIFA, UEFA, the ISU, national sports associations and other sports governing bodies), players, clubs, fans, and other sectors more generally. This article details the factual background of the judgments, before assessing in turn, key implications in terms of

sports governance and competition law. The judgments (ISU and SuperLeague in particular) strongly affirm the application of competition law to the governance of sports, and may subsequently result in many sports governing bodies revisiting the content and ap...

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## **Formalism on the Chopping Block – the ECJ's judgment in Super Bock**

The ECJ's recent preliminary ruling in C-211/22 - Super Bock Bebidas ("Super Bock") is significant for businesses and competition authorities. It is well-established that categorisation of conduct as a 'by object' infringement of Article 101(1) TFEU must be considered by reference to whether, on a case-by-case basis, the agreement presents a sufficient degree of harm to competition. Super Bock is the first occasion on which the ECJ has applied this principle to vertical agreements fixing minimum resale prices (aka resale price maintenance, or "RPM"). In applying established principles to the vertical RPM setting, the ECJ's analysis in Super Bock is unsurprising. However, it does formally reverse the Court's earlier judgment in C-243/83 - SA Binon, and in doing so continues the ECJ's retreat from assessing 'by object' infringements as according to their form, rather than their substance, under Article 101 TFEU. In this article we ...

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