

Articles

MARTIN GASSLER

The new sustainability chapter in the draft Horizontal Guidelines 449

This article discusses the new sustainability chapter in the revised draft Horizontal Guidelines. This is the first time the European Commission has provided guidance on how to assess sustainability agreements between competitors. The article critically analyses the two main ways for assessing sustainability agreements: Do these agreements restrict competition? If so, can these agreements be exempted under art.101(3) TFEU?

ZIBO LIU & STAVROULA VRYNA

New antitrust tools for the digital economy in China and the EU—a comparative view of the Platform Antitrust Guidelines in China and the Digital Markets Act in the EU 458

This article takes a comparative view of new legislation introduced in China and the EU to deal with antitrust challenges arising from the rapidly evolving digital economy. The authors review the two regimes with respect to legislative background, scope of application, approach to conduct issues and merger control, as well as expectations about future enforcement.

JENS MUNK PLUM, SONNY
GAARSLEV AND KRISTINA
SAUGSTRUP

M&A transactions, gun-jumping and competition law—compliance from pre-signing to closing 466

In light of the increased focus on competition law infringements in the context of transactions, it is important for transaction parties to be aware of the potential compliance issues throughout the whole transaction process. This article provides a practical overview of the main challenges in the context of M&A transactions as well as guidance on how to ensure compliance in practice.

PAUL K. GORECKI

Kantar Media/Newsaccess transaction: a relaxation of merger control in Ireland? 472

Typically, mergers to monopoly in Ireland have been prohibited in Ireland. However, in the *Kantar Media/Newsaccess* transaction in 2017, the Competition and Consumer Protection Commission (CCPC), cleared the merger subject to the divestment of selected assets to an entrant, rather than prohibiting the transaction or insisting on the sale of a viable standalone business. Does this signal a relaxation in CCPC merger policy? It is difficult to draw strong conclusions since significant, perhaps irreversible, steps had been taken to implement the transaction prior to its voluntary notification, thus narrowing the agency's options. Notwithstanding these difficulties, the divestment package could have been strengthened by including a minimum volume of customers accounting for a substantial market share reflecting the importance of Newsaccess.

Comment

PATRICIA CANO GÁMIZ

The EC's obligation to pay default interest following Printeos and Deutsche Telekom 480

The CJEU has recently confirmed its traditional case law by requiring the Commission to pay default interest when reimbursing unduly levied fines. However, due to the Commission's reluctance to accept the unconditional nature of such obligation, there are still many pending claims for interest, with large amounts at stake. While the outcome of these cases appears mostly straightforward in the light of the CJEU's reasoning, it cannot be completely ruled out that the Commission still finds a way to limit its obligation in a very reduced number of cases.

JULIAN MAITLAND-WALKER

Taking back control: The Cousins/Swatch case and why the Government and the Courts should reject participation in the Lugano Convention 485

The *Cousins/Swatch* case and use of the Swiss torpedo frustrates the ability of the English Courts to address competition law infringements. This comment addresses the failure of the Swiss Court to apply English competition law, and why the UK government should resist participation in the Lugano Convention without reform.

National Reports

Austria	MERGERS Merger control N-211
Canada	ANTI-COMPETITIVE PRACTICES Reform N-212
Czech Republic	ANTI-COMPETITIVE PRACTICES Infringement N-213
Denmark	ANTI-COMPETITIVE PRACTICES Enforcement N-214
EU	MERGERS Merger control N-215
Finland	ANTI-COMPETITIVE PRACTICES Enforcement N-216
Finland	COMPETITION Report N-217
France	MERGERS Merger control N-218
France	ANTI-COMPETITIVE PRACTICES Investigation N-219
Germany	MERGERS Merger control N-220
Hungary	COMPETITION Market inquiry N-222
Ireland	MERGERS Merger control N-223
Ireland	MERGERS Merger control N-224
Netherlands	ANTI-COMPETITIVE PRACTICES Investigation N-229
Slovenia	COMPETITION Sector inquiry N-230
South Africa	COMPETITION Market inquiry into online intermediation platforms N-232
Spain	ANTI-COMPETITIVE PRACTICES Judgment N-235
Switzerland	FOREIGN DIRECT INVESTMENT Reform N-236
Türkiye	MERGERS Merger control N-237