

Editorial

DEREK RIDYARD

Articles

THOMAS HOEHN, JUSTIN MENEZES
& ALISON YOUNG

SIMON HOLMES & MICHELLE
MEAGHER

EMANUELA LECCHI

KONSTANTINA SIDERI

National Reports

Czech Republic

Denmark

Finland

Finland

France

Editorial: Issue 2 45

Big Tech remedies—recent antitrust case law and legislative developments 47

This article identifies a close relationship between recent antitrust case law and legislative developments to regulate Big Tech in the EU and UK. We argue that the adoption of clearly-defined ex ante remedies—including more structural measures—will be sustained, notwithstanding the differentiated approaches pursued by these jurisdictions.

A sustainable future: how can control of monopoly play a part? Part 2. Using competition law to tackle unsustainable practices as abuses of monopoly power 61

This is the second part of our three-part article which looks at monopoly power as a barrier to a sustainable future and asks how we can use competition policy (particularly art.102 Treaty on the Functioning of the European Union (TFEU) and merger control) more intelligently in the light of climate change and growing market concentration. This second part looks at how art.102 TFEU could be used more effectively to tackle unsustainable practices.

Sustainability and EU merger control 70

This article analyses the role that sustainability plays within the current system of European merger control. Sustainability plays a role in market definition and market appraisal. Within the context of harm to innovation competition (as a theory of harm), the European Commission has extended the boundaries of the analysis, to consideration of innovation spaces. Arguably, similar considerations should also apply to the assessment of efficiencies, and the theory of the failing firm defence. The tools for measuring sustainability used by environmental agencies could also be adopted in merger control, perhaps in co-operation between different agencies. Beyond this, it is argued that changing the framework of merger control to assess the effects of mergers on sustainability may act as a Trojan horse for consideration of other non-market related factors, opening the door to undesirable consequences. Overall, increased consumer awareness of sustainability issues suggests that the preservation of competitive markets may be one of the most important contributions to sustainability that merger control can bestow.

Regulating foreign subsidies: legal implications under EU competition law 81

In November 2022, after two years of back-and-forth discussion, the European Union (EU) legislators approved the “Foreign Subsidies Regulation” to tackle distortive subsidies granted by non-EU countries to companies operating in the EU internal market. This is a new regulatory layer to the EU legislation aiming at ensuring fair competition between firms active in the EU by establishing equality of opportunity.

ANTI-COMPETITIVE PRACTICES

Infringement N-31

ANTI-COMPETITIVE PRACTICES

Infringement N-32

COMPETITION

Judgment N-33

MERGERS

Merger control N-34

MERGERS

Merger control N-34

Hong Kong	ANTI-COMPETITIVE PRACTICES Legislation N-35
Hong Kong	ANTI-COMPETITIVE PRACTICES Judgment N-35
Portugal	ANTI-COMPETITIVE PRACTICES Infringement N-36
Portugal	ANTI-COMPETITIVE PRACTICES Investigation N-37
Portugal	ANTI-COMPETITIVE PRACTICES Enforcement N-37
Portugal	MERGERS Merger control procedure N-38
Portugal	ANTI-COMPETITIVE PRACTICES Infringement N-39
Spain	ANTI-COMPETITIVE PRACTICES Judgment N-39
Spain	ANTI-COMPETITIVE PRACTICES Judgment N-40
Sweden	ANTI-COMPETITIVE PRACTICES Decision N-41
Sweden	ANTI-COMPETITIVE PRACTICES Investigation N-42
Türkiye	MERGERS Decision N-43
UK	SUBSIDY CONTROL Legislation N-45
US	ANTI-COMPETITIVE PRACTICES Enforcement N-47