

Articles

LUC PEEPERKORN AND FRANK  
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SIMON HOLMES AND MICHELLE  
MEAGHER

EUN HYE KIM AND MEL MARQUIS

DR CIHAN DOĞAN AND ATT. DENİZ  
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**The new EU Competition rules for supply and distribution agreements: no revolution, but an evolution of the effects-based approach 127**

The adoption of Regulation 2022/720 and the new Vertical Guidelines mark a new step in the block exemption history of vertical agreements. The new regime evolves logically from the previous regime but is adapted to the challenges presented by the increased use of online trading. Other modifications are more technical in nature but are bound to have genuine practical consequences for businesses. The article provides a detailed road map to practitioners, in its analysis of the various changes that have been implemented into the new regime.

**A sustainable future: how can control of monopoly power play a part? Part III: Using merger control to intervene before the problem arises or gets worse 148**

This is the third 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 third part looks at how merger control could be used more intelligently as a way of tackling market power and unsustainable business practices—both before they arise (as a result of a merger) and as a way of preventing such power or practices being exacerbated by a merger. In doing so it looks at how this might already be done under existing law and then makes some suggestions as to how the law could be updated to recognise the scale of the problems that we face—both in terms of the climate crisis and excessive market power. In particular, we propose that that climate change and environmental sustainability considerations be built into merger control regimes and/or that the burden of proof be changed. In this article we set out a number of ideas (some radical—some, less so). We certainly do not presume to have all the answers, but we do want to stimulate a debate and push readers to step outside the competition bubble and re-visit old ways of doing things in the light of the climate crisis and growing evidence of market concentration and power.

**Illumina/GRAIL, Chapter 1: the unexpectedly broad merger control powers of the European Commission 162**

We discuss Case T-227/21, *Illumina v Commission*, where the General Court held a Member State may refer a concentration to the Commission even when it falls outside national notification triggers and lacks a “European dimension”. The article questions this judgment, the fate of which now depends on the Court of Justice.

**A critical analysis of the Turkish Competition Authority’s data interoperability decision 175**

The Turkish Competition Board made its first decision on data interoperability requests in digital markets where it made important remarks in terms of interoperability. This article describes and evaluates the merits of the case and criticises the Board’s approach to interoperability requests in digital markets.

**Populism and Antitrust: The Illiberal Influence of Populist Government on the Competition Law System 180**

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