

Articles

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The European Commission's new Guidelines on Sustainability Agreements — legal analysis and interplay with national regimes 520

This article describes the main features of the sustainability chapter in the European Commission's revised Horizontal Guidelines (section 1) and its practical implications for businesses (section 2). As several National Competition Authorities in the EU have issued specific rules for the assessment of sustainability initiatives or developed case practice, the article also outlines the characteristics of those regimes and their implications for sustainability initiatives (section 3). Section 4 assesses how businesses can navigate the interplay between the revised Horizontal Guidelines and national regimes in the EU. Section 5 concludes.

The implications of the Meta Ireland Platforms ruling for the powers of national competition authorities and national regulatory and supervisory authorities 532

The Court of Justice of the European Union has now clarified the relationship between national competition authorities when enforcing the competition prohibitions and supervisory and regulatory authorities established at national level to enforce non-competition rules, such as those regarding data protection, in the event European Union law is silent on the matter. While bound by the duty of loyal cooperation, a national competition authority is not obliged to defer to the decisions of a regulatory or supervisory authority when exercising their specific competence when it is enforcing the EU competition rules in the general public interest.

Re-appraising media pluralism as a public interest phenomenon: a role for EU merger control and related ex ante instruments in addressing "fake news"? 539

This article explores the way in which the currently vague public interest concept of "plurality of the media", in art.21(4) EUMR, might be interpreted so as to take into account growing concerns about the impact of social media platforms on the viral spread of disinformation, potentially strengthening the degree of regulatory oversight of this aspect pursuant to EU merger control and related ex ante instruments.

The Internet of Things: antitrust and justice 548

The Internet of Things (IoT) is having a profound effect on every sector of society. This article explores the challenges of artificial intelligence (AI) that is emerging in the justice system. It proposes five options to consider in addressing a number of challenges for regulators, governments and society generally. The article argues that data used by the IoT is at a crossroads. It is acknowledged that the IoT will only increase the level of data collected, particularly as technologies converge, such as AI and quantum. However further research is needed to confirm whether it will be monopolised. In other words, with the developments in metaverse technology, there are likely to be challenges to competition and in turn a level of justice. Moreover, the article highlights how personal data and privacy is consistently a by-product of developing technology, as it has the ability to intrude on every aspect of our daily lives. It is argued that there needs to be a balance in the use of AI and emerging technologies to ensure they do not dilute the administration of justice, due process and natural justice. This is against the backdrop of knowing that nation states will likely go it alone, as their own sovereign needs and conforming to their legal family (civil, common, Islamic law, amongst others) will vary greatly. Thus, what the future looks like is unknown. The article calls upon regulators, scholars, technology and legal professionals to work more closely to pre-empt and resolve future issues related to the governance of data to minimise anti-competitive behaviour.

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