

Editorial

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As Adam Smith illustrated his theories on consumer welfare and free trade in *The Wealth of Nations* (1776), the Italian philosopher Gaetano Filangieri (1752-1788) laid down some pioneering ideas on competition policy in his work *The Science of Legislation*.

“The first object of the laws on manufactures and industry”, Filangieri argued, “should be the promotion of competition and the suppression of the causes that restrict it”; “the best laws in the world”, he further stated, “would not be able to improve manufacturing without competition. The greater the competition, the more the manufacturer will endeavour to improve his products, as he knows that the customer will prefer them to those of his competitor”.

Filangieri also foresaw the need for a ban on State aids: “Streets, canals, a strong currency, and an adequate fleet are the incentives that each government should provide to commerce. Commerce needs no further aids: it is for private entrepreneurs to make it thrive”.

The Editorial Board is proud to present vol. IV (2) of the *Market and Competition Law Review*. In the wake of Filangieri, this issue features a number of contributions by Italian scholars on EU antitrust and State aids law.

Andrea Biondi opens the issue with an article on the transformations in the area of State aids prompted by the COVID-19 pandemic. He provides an assessment of the European Commission Temporary Framework and discusses whether the measures adopted have enabled Member States to

provide liquidity to the undertakings affected by COVID 19 whilst ensuring fair competition and compliance with State aid rules.

Arianna Andreangeli focuses on the application of Article 101 TFEU to the transport intermediation services industry. Today, the use of phone apps reliant on geolocalisation software is among the most common ways in which calls are despatched to taxi service providers. The emergence of these platforms, however, may “disrupt” traditional taxi despatching business models and change the approach of competition law to other two-sided markets where intermediation is key to the matching of demand and supply.

In a similar vein, Luca Villani examines the impact of online platforms on the notion of “agency” under EU competition law. If online platforms are regarded as “agents”, the obligations imposed on them by their principal(s) may fall outside Article 101(1) TFEU. The article thus provides a conceptual framework to determine whether the existing competition rules are fit for purpose against the background of the disruptive changes brought by the online platforms revolution.

Next, Claudia Massa provides an assessment of the powers of national authorities in the fields of consumer protection and antitrust under the New CPC Regulation and the ECN+ Directive. The former grants national consumer authorities stronger fact-finding and enforcement powers, while the latter grants national competition authorities appropriate enforcement tools to bring about a genuine common competition enforcement area. The article also examines the importance of European networks.

Andrea Pezza’s article examines the European Green Deal and the role of environmentally friendly policies in the context of Article 101 TFEU. More in detail, the article considers whether Article 101 TFEU can be interpreted so as to increase the importance of environment-related considerations. The results of such analysis show that there is sufficient room for a change in the Commission’s approach, which could immediately enhance the role of environmental considerations.

Giulia Gentile’s contribution focuses on Article 47 of the Charter of Fundamental Rights as the cornerstone of procedural and substantive fairness in competition proceedings. Her article situates the discussion on fairness in EU competition law in the broader philosophical debate on fairness, analyses the case law of the Court of Justice on Article 47 of the Charter in EU competition litigation, and discusses what kind of “fairness” that provision can ensure in the area of EU competition law enforcement.

Finally, Antónia Ferreira de Almeida provides a review of Viktoria Robertson's book *Competition Law's Innovation Factor: The Relevant Market in Dynamic Contexts in the EU and the US*.

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