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The new issue of Prague Law Faculty's open-source electronic periodical offers a set of working papers on various topics. The following provides a general outline of their content. Their full versions can be downloaded free of charge from http://www.prf.cuni.cz

Richard Blatný contributed a study focused on the **Issues of Directive No. 1937/2019 in the Czech Legal System and in the Present Context.** His text deals with the issue of EU Directive 1937/2019 to promote the protection of EU interests, the so-called Whistle-blower Protection Directive. Under this directive anyone who becomes aware of a threat or violation of law, has the possibility to report the conduct. The text of the directive is drafted in such a way that whistle-blowers are guaranteed both employment and legal protection, which is actually a highly illusory notion in practice. The article uses the example of the Czech legal system to illustrate a number of legally protected interests, many of which are included in the new Directive, but which have been protected for many years before the Directive was adopted. Using the experience of the Slovak Republic, the article demonstrates the low effectiveness of the new authority, which is supposed to fulfil the purpose of the Directive at least partially in practice. The article also presents at least seven major hypotheses according to which the effective implementation of the new Directive in the practice of the EU Member States is unlikely to succeed, and the only thing that is certain is the expenditure that the Member States will have to incur, through the taxes of their citizens.

Jan Metelka treated in his contribution the topic of **Decision-Making on the Authorization of Mergers between Competitors.** Decision making process of regulators concerning mergers of competitors is the main ex ante tool to regulate competition (in other words – to ensure the optimal structure on the market) in order to protect the market, as both abuse of dominant position and cartel law mainly deal with the harm being already done. The aim of his paper is to find out and further describe the key parts of this process, i.e. what is able to influence the decision-making process (and how) and compare what may be stronger arguments made by the competitors in terms of getting the respective merger successfully through the decision-making procedure. This is in practice mainly shown by focusing on the main part of the assessment, being the substantive test and its distinctive elements. The secondary aim is to open discussion on the topic of a personal base of competition authorities, requiring to have necessary economical insight into the potential consequences of a merger, then allowing the authority to effectively question proposals being presented by merging competitors and rationally assess the actual risk for competition.

Linda Holková Lubyová contributed a paper that bears the title **Digital Markets Act: A Fair Framework for the Online World?** According to the author the proposed Digital Markets Act is an instrument complementing established EU and national competition laws. Its objective is to ensure a fair and competitive digital economy in the EU by regulating 'gatekeepers' (large online platforms under certain criteria) more flexibly and timely. Her article analyses whether the current approach creates an appropriate instrument for achieving its objective. First, it deals with the question whether there is a need for a separate regulation, Second, the notion of a gatekeeper. The concept of 'gatekeepers' seems to be tailored to particular subjects that may not necessarily be dominant undertakings. This approach may help to tackle selected issues that current large online platforms face, but limiting some undertakings, regardless of their dominant position, may also distort competitive forces. Third, it deals with ex ante rules (in comparison to current ex post EU and national competition rules). Ex ante rules may, on the one hand, minimise the detrimental effects of anticompetitive practices. However, on the other hand, they may impose unnecessary limits where these practices would not cause future economic harm. Fourth, it deals with the limited role of national competition authorities in enforcing the Digital Markets Act. It is essential for the EU to have a coherent approach to achieve the enforcement of these rules effectively, but it seems unwise to completely omit national

competition authorities, who have created successful decision-making practices in this area in recent years. Finally, its provisions dealing with access to data and its relationship with various regulations dealing with data. The lack of clarity may render these provisions ineffective.

Tomáš Ochodek wrote a paper titled **Platforms and Protocols: Can Competition Law Help the Decentralisation of Social Media Platforms?** Social media platforms have been criticised for their approach in moderating harmful content online and their power over online speech. It has been suggested that one solution could lie in opening platforms to a new layer of services that would provide better content moderation and user experience. Such efforts have already started, with one spearheaded by Twitter itself. The paper discusses whether such efforts correspond to the goals of EU competition law and whether the current competition toolbox could be used to achieve such decentralisation. Following the Competition for the Digital Era strategy, it discusses the opening of social media platforms to a new type of services or turning current platforms into "protocols" with corresponding "applications". It will also look at competition law as an aid in maintaining such proposed regimes. It will argue that the latter option may be feasible with current tools; conversely the former could require a bold reimagining of competition law as well as ex-ante regulation.

Dita Krumlová focused in her contribution on the issue of **The EU Policy Reform on Distribution Law: The European Commission Trying to Catch up with Market Developments.** On 9 July 2021, following a thorough evaluation and consultation process, the European Commission presented its long-awaited drafts of the revised Vertical Block Exemption Regulation (the VBER) and accompanying Guidelines on Vertical Restraints to replace the current regime, which expires on 31 May 2022. This paper analyses the most important amendments to the current EU distribution law framework. Whereas the most significant shortcomings of the current regime were identified in relation to the e-commerce sector and online platforms, this paper focuses particularly on these issues. An important element of liberalisation in the proposed regime is allowing dual pricing and minimum advertising price (MAP) policies to benefit from the safe harbour under certain conditions. In many aspects, the proposed framework reflects the previous case-law, e.g., in the field of price parity clauses, bans on the use of price comparison websites, or marketplace bans.

Kristýna Menzelová titled his paper **The Recent EU Antitrust Regulation of Digital Platforms, its Enforcement and Pressure from Below.** She argues that the power of the platform's providers such as Amazon, Google Play or Booking is still rising and the existing standard EU antitrust rules do not seem to be sufficient. Consequently, the P2B Regulation, a new complementary regulation, was adopted. In addition to the regulation from above, individuals and civic movements are gaining ground to battle against the power of these companies as well. The paper discusses the way of enforcement of the P2B Regulation in the selected Member States and the shortcomings of the P2B Regulation. In addition, the paper is focused on the civic activities and collective actions of business users that try together to acquire higher bargaining power against the platform and reach better (working) conditions.

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