REVIEWS AND ANNOTATIONS

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The new issue of Prague Law Faculty's open-source electronic periodical offers a set of working papers on diverse topics. The following provides a general outline of their content. Their full versions can be downloaded free of charge from <https://www.prf.cuni.cz/en/prague-law-working-papers-series/2025iii>.

Milan Lipovský wrote a paper titled: **Suitability of the Principle of Non-Intervention to Regulate Cyber Information Operations Targeting Elections.** According to him, the principle of non-intervention belongs amongst the most often discussed rules of international law with the potential to regulate cyber information (dis- and misinformation) operations carried out by one state and dedicated to influence another state's elections results (through the electorate). Contributions to those discussions differ significantly however as to the suitability of the rule for this purpose. His article therefore tackles the issue in a step-by-step analysis, first dealing with the elements of the principle of non-intervention and its position in the systematics of the law of international peace and security, secondly analysing the applicability of the rule in cyberspace, in order to thirdly determine and evaluate what are the critical issues in the application of the rule to cyber information operations targeting the electorate of another state. The last section is dedicated to recommendations that if applied, they might increase the likelihood of the applicability of the principle of non-intervention to the operations discussed.

Jaroslav Denemark, Michal Říha and **Václav Šmejkal** treated in their joint contribution the **EU Chips Act as a Challenge for the EU, its Member States and Private Stakeholders**. The authors maintain that the new industrial policy and the EU Chips Act as its novel and important instrument bring a number of new elements to the standard concept of the roles of the EU and Member States in promoting industrial development. The key role should henceforth be played not by Member States, their national priorities and money, but by the EU as a whole, represented primarily by the European Commission. At the same time, it brings new methods of central supervision of the development of the chip industry, and especially its central crisis management in case of supply shortages. The article concludes that the EU Chips Act creates sufficient preconditions for the new EU industrial policy not to degenerate into the old competition over who will support and protect the "national industrial champions" more and thus further divide the EU into centre and periphery. It seeks to deduce this not only from the text of the regulation itself, but also from the responses to it in the national semiconductor strategies and position papers of the business associations of the various member countries.

Jack Lu dedicated his paper to the issue of **The Price of Regulation: How Compliance Costs Shape AI Innovation and Competition in the EU and China**. His article examines how compliance costs, understood as institutionalized transaction costs, shape divergent trajectories of artificial intelligence governance in the European Union and China. The EU's Artificial Intelligence Act reflects a precautionary, rights-centred tradition, imposing ex ante obligations such as risk classification, third-party certification, and documentation. These front-loaded requirements raise substantial entry barriers, privilege well-capitalized players, and contribute to market concentration. By contrast, China's Interim Measures adopt a filing-based regime with ex post supervision, supplemented by local subsidies and compute credits. This developmental model lowers upfront costs, encourages dispersed entry, and sustains high-frequency innovation. In conclusion the author argues

that neither the EU's "traffic lights before the cars" nor China's "cars before the traffic lights" model alone offers a sustainable template. Hybrid instruments–phased compliance, regulatory sandboxes, and cross-border recognition–may reconcile trustworthiness with competitiveness in a plural, interconnected governance order.

Harald Christian Scheu asks the following question in the title of his contribution: **The Strasbourg Court on Cross-border Surrogacy: Reconciling the Rights of Parents and Children?** His article then examines the European Court of Human Rights' case law on cross-border surrogacy, highlighting the complex interplay between children's rights, intended parents' claims, and the interests of surrogate mothers. It analyses how the Court balances these competing private interests against legitimate public concerns, including ordre public and the protection of vulnerable actors. While the Court emphasizes the child's best interests, reliance on this single principle may not adequately address the full spectrum of surrogacy arrangements, ranging from altruistic to exploitative practices. The article concludes by calling for greater clarity on the limits of ECtHR jurisprudence and for consideration of broader ethical and human dignity concerns in future cross-border surrogacy cases.

Aleš Musil treats in his contribution **The Digital Services Act (DSA) and Its Possible Overlaps with Competition Law**. His article aims to highlight the links between two new ex ante instruments – mainly the Digital Services Act ("DSA"), but to some extent also the Digital Markets Act ("DMA") – with competition and consumer law, as well as the main areas of discussion that have been raised about these regulations during the at that times legislative process and, ultimately, in the expert literature to this day. These include, in particular, the objectives of competition law in digital markets, the "Brussels effect" (and the subsequent "Trump effect"), the advantages and disadvantages of ex-post investigations vs. ex-ante regulation in competition law, the emergence of gatekeepers and very large online platforms and very large internet search engines in European legislation, and the popularized concept of "fairness" for the regulations of digital markets.

Dita Krumlová called her contribution: **The Revolution in Dual Pricing Legal Framework: How the 2022 EU Reform Changed the Rules of the Game Between Online and Offline Sales**. Her article analyses the legal framework governing dual pricing in EU competition law, focusing on the transformative changes introduced by the 2022 reform of vertical restraints. Dual pricing refers to suppliers charging distributors different wholesale prices depending on whether products are resold online or offline. Prior to 2022, the European Commission treated dual pricing disadvantaging online sales as a hardcore restriction of competition. However, Commission Regulation (EU) No 2022/720 and the accompanying Vertical Guidelines marked a fundamental shift, recognizing that online sales have matured and acknowledging the legitimate need to incentivize brick-and-mortar investments. Under the current regime, dual pricing is block-exempted if price differences reasonably relate to actual cost and investment differences between channels. This article examines both legal frameworks, the reform's rationales, and decision-making practice at EU level and in Germany, France, and Italy.

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