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PREFACE

Should cartels that have the object or effect of preventing, restricting, or distorting competition be authorized so long as they contribute in the EU to environmental protection and sustainable production? This is the central question discussed at a seminar held at the Department of Law of the University of Roma Tre. Renowned academics and practitioners have generously agreed to offer their illuminating thoughts on a contentious matter.

The question of whether Article 101(3) TFEU would steer production towards greener goods and services should be contextualised. In principle, a systematic interpretation of EU law calls for consistency among EU policies (Article 7 TFEU), whereas environmental protection should be integrated into the Union's policies (Article 11 TFEU), and a high level of environmental protection within the internal market is to be ensured (Article 3(3) TEU). In this context, anti-competitive cartels must be assessed not only in terms of protecting consumer welfare and competitive markets, but also under the prism of environmental objectives. Interestingly, **Sergio Maria Carbone**, Margherita Colangelo and Mario Siragusa focus on the *Guidelines on horizontal cooperation agreements* approved by the Commission on 1 June 2023, which suggests an innovative, albeit cautious, interpretation of Article 101 TFEU. **Margherita Colangelo** thoroughly analyses the Commission's approach to sustainability agreements, including the 'standardisation' one. While focusing inter alia on the Dutch Authority recent practice, **Mario Siragusa** rightly sheds light on the risk of going beyond the traditional objectives of competition law, i.e., in his view, exposing public authorities to lobbying pressure and political interference – ultimately, to legal uncertainty. Quite in the same vein, **Andrea Pezzoli** suggests a cautious approach, while providing a very interesting overview of recent decisions taken by the Italian Antitrust Authority's. Pezzoli's paper is complemented by that of **Beatrice Bichi Ruspoli Forteguerra**, who focuses on the role of national competition authorities (NCAs) in applying Article 101(3) TFEU to anti-

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competitive agreements: she argues that the European Commission could play a key role in guiding NCAs to take account of sustainability considerations. A favorable approach is taken by **Francesco De Leonardis**, who points out that competition law and environmental law are not necessarily two worlds apart. After all, he remarks, the Italian Environmental Code sets out that companies are required to ensure a high level of environmental protection, whereas EU law is moving in a similar direction. In fact, in the EU legal framework, the European Green Deal (EGD) has given greater weight to environmental objectives within the internal market, as **Morgan H. Harris** rightly points out in thoughtful pages. Indeed, EGD and the subsequent *acquis* shift the responsibility for environmental protection from consumers to producers. This might pave the way towards environmental sustainability when evaluating agreements between undertakings that adversely affect competition and consumer welfare. The need for integrating sustainability considerations into competition policy is seemingly also stressed by **Gabriella Muscolo**, who highlights, among other things, the inadequacies of regulatory policy: in her view, the complementary market-based alternatives, namely environmental agreements between companies, are key tools in the green transition.