



Konkurrenceretlig Nyhedsoversigt nr. 100 / dækkende 30. januar 2025 – 5. marts 2025

## Indhold

### 1. Dansk ret

- Nyt fra Konkurrence- og Forbrugerstyrelsen
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- Nye afgørelser fra domstolene
- Lovforslag i høring
- Ny lovgivning
- Nyt fra Ankestyrelsen
- Andet

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- Artikler fra Ugeskrift for Retsvæsen
- Nye publikationer fra Erhvervsministeriet
- Artikler fra Juristen
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- Artikler fra EU-ret og Menneskeret
- Konkurrenceretlige emner
- Anden dansk/nordisk litteratur

### 4. Litteratur (UK)

- European Competition Law Review
- European Competition Journal

- Journal of Competition Law and Economics
- Journal of Antitrust Enforcement
- Journal of European Competition Law and Practice
- World Competition
- Antitrust Law Journal
- The Antitrust Bulletin (US Journal)
- Competition Law & Policy Debate
- Competition Law Scholars Forum
- Journal of Regulatory Economics
- International Review of Law and Economics
- Competition Law Journal
- European Competition and Regulatory Law Review
- Communications Law
- Computer and Telecommunications Law Review
- Global Competition Litigation Review
- Market and Competition Law Review
- Andre udenlandske artikler

### 5. Nyt fra konkurrencegruppen



## 1 | DANSK RET

### Nyt fra Konkurrence- og Forbrugerstyrelsen

#### **Godkendelse på baggrund af en forenklet sagsbehandling af Arbejdsmarkedets Tillægspensions erhvervelse af enekontrol med Kastrup Airports Parents ApS, herunder Københavns Lufthavne A/S**

Konkurrence- og Forbrugerstyrelsen modtog den 7. februar 2025 en forenklet anmeldelse af Arbejdsmarkedets Tillægspensions ("ATP") erhvervelse af enekontrol med Kastrup Airports Parent ApS ("KAP") og dennes datterselskab Københavns Lufthavne A/S.

[Læs mere](#)

Dato: 13/02/2025

#### **Godkendelse på baggrund af en forenklet sagsbehandling af Nobilis Group GmbH's erhvervelse af fælleskontrol over TMC Nordic A/S**

Konkurrence- og Forbrugerstyrelsen modtog den 7. februar 2025 en forenklet anmeldelse af en fusion angående Nobilis Group GmbH's ("Nobilis") erhvervelse af fælleskontrol over TMC Nordic A/S ("TMC").

[Læs mere](#)

Dato: 11/02/2025

#### **Godkendelse på baggrund af en forenklet sagsbehandling af Bilfinger Sweden AB's erhvervelse af enekontrol over Rodoverken Group AB**

Konkurrence- og Forbrugerstyrelsen modtog den 6. februar 2025 en forenklet anmeldelse af en fusion mellem Bilfinger Sweden AB ("Bilfinger") og Rodoverken Group AB ("Rodoverken").

[Læs mere](#)

Dato: 10/02/2025

#### **Godkendelse på baggrund af en forenklet sagsbehandling af Maj Invest Equity A/S' erhvervelse af enekontrol over Krebs A/S**

Konkurrence- og Forbrugerstyrelsen modtog den 3. februar 2025 en forenklet anmeldelse af MIE 6 Triple Bottom Line K/S' ("MIE 6 TBL") erhvervelse af enekontrol over Krebs A/S.

[Læs mere](#)

Dato: 10/02/2025

#### **Godkendelse på baggrund af en forenklet sagsbehandling af Siemens AG's erhvervelse af enekontrol over Altair Engineering Inc.**

Konkurrence- og Forbrugerstyrelsen modtog den 15. januar 2025 en almindelig anmeldelse af Siemens AG's (herefter "Siemens") erhvervelse af enekontrol over Altair Engineering Inc. (herefter "Altair").

[Læs Mere](#)

Dato: 07/02/2025

#### **Godkendelse på baggrund af en forenklet sagsbehandling af Djursland Landboforenings deltagelse i det selvstændigt fungerende joint venture DLBR P/S**

Konkurrence- og Forbrugerstyrelsen modtog den 28. januar 2025 en forenklet anmeldelse af Djursland Landboforenings deltagelse i det selvstændigt fungerende joint venture DLBR P/S.

[Læs mere](#)

Dato: 31/01/2025



## Godkendelse på baggrund af en forenklet sagsbehandling af Autocentralen.com Holding ApS' og Autocentralen Medarbejderholding ApS' erhvervelse af Sølvsten Biler A/S

Konkurrence- og Forbrugerstyrelsen modtog den 29. januar 2025 en forenklet anmeldelse af en fusion mellem Autocentralen.com Holding ApS og Autocentralen Medarbejderholding ApS (herefter samlet "Autocentralen-koncernen") og FH 1/11-17 ApS ("FH").

[Læs mere](#)

Dato: 30/01/2025

## Nyt fra Konkurrencerådet

Intet nyt.

## Nyt fra Konkurrenceankenævnet

Intet nyt.

## Nyt fra domstolene

### Civilretlige afgørelser

Intet nyt.

### Straffesager

#### Østre Landsrets dom af 17. januar 2025 – frifindelse af fysisk person

Østre Landsret har frifundet en fysisk person, som havde anket retten i Glostrups dom af 21. april 2022. Tiltalen omhandlede ulovligt koordinerede priser på service af naturgasfyrrer. I 2016 afgjorde Konkurrencerådet, at det daværende HMN Naturgas sammen med to konkurrenter og en brancheforening havde koordineret priser på service af naturgasfyrrer i Hovedstadsområdet og Midt- og Nordjylland. De to konkurrenter var samtidig underleverandører til HMN Naturgas. Brancheforeningen og den ene konkurrent eksisterer ikke længere.

[Læs mere](#)

Dato: 17/01/2025

## Lovforslag i høring

Intet nyt.

## Ny lovgivning

Intet nyt.

## Nyt fra Ankestyrelsen

Intet nyt.

## Andet

### THE VALUE & BENEFITS OF FUTURE-PROOF DIGITAL INFRASTRUCTURE FOR DENMARK

Telecommunications infrastructure is the backbone of the digital economy. Advanced network technologies that support high capacity, security and resilience have brought and will continue to bring substantial benefits to Danish consumers and businesses. While Denmark currently fares well in international comparisons regarding the rollout and take-up of high-speed fixed and mobile connectivity, more remains to be done as the sector undergoes important transformation.

The recent Draghi report on EU competitiveness has singled out the telecommunications sector among key economic areas worthy of policy attention and consideration, so that Europe can improve its competitiveness. EU-level but also national policymakers need to consider how best to fine-tune policy conditions to empower further competitiveness in this sector and thus achieve enhanced and future-proof digital infrastructure.

[Læs mere](#)

Dato: 18/12/2024



## 2 | EUROPÆISK OG INTERNATIONAL RET

### Nyt fra Kommissionen

#### Antitrust & Cartels

##### **Commission launches public consultation on antitrust rules for motor vehicle sector**

The European Commission has launched today a public consultation inviting all interested parties to express their views on the functioning of the competition rules applicable to vertical agreements in the automotive sector. These rules include the Motor Vehicle Block Exemption Regulation ('MVBBER') and the Supplementary Guidelines ('SGL'), both as amended in April 2023, as well as the Vertical Block Exemption Regulation ('VBER') and the Guidelines on vertical restraints, as far as they apply to the automotive sector.

The public consultation is part of the ongoing evaluation of the MVBBER and the SGL launched on 18 January 2024. These rules, which assist companies in the automotive sector in assessing the compatibility of their vertical agreements with Article 101(1) of the Treaty on the functioning of the European Union ('TFEU'), are currently set to expire on 31 May 2028.

[Læs mere](#)

Dato: 28/02/2025

#### Mergers

##### **Commission approves acquisition of Infinera by Nokia**

Both Nokia and Infinera supply optical transport equipment used to transmit data through optical fibre cables. According to the parties, the Transaction will allow the merged entity to attain the requisite scale in its optical networking business to accelerate its product roadmap and compete more vigorously with larger competitors in the market.

The Commission investigated the impact of the transaction on the global or EEA markets for the supply of optical transport equipment, as well as on the narrower segments of such markets based on the type/application of the equipment. Based on its market investigation, the Commission found that Nokia and Infinera's combined market shares in the global or EEA markets for the supply of optical transport equipment, as well as on the narrower segments of such markets, are moderate. It also found that there are several credible competitors on those markets that, following the transaction, will continue to exert sufficient competitive pressure upon Nokia.

The Commission therefore concluded that the proposed acquisition would not raise competition concerns in the EEA and cleared the transaction unconditionally.

[Læs mere](#)

Dato: 26/02/2025

##### **Commission approves Constantia's acquisition of Aluflexpack subject to conditions**

Constantia is a global producer and supplier of flexible packaging solutions, including plastic and aluminium-based products. Aluflexpack is a manufacturer and supplier of flexible packaging solutions, primarily made from aluminium, for a variety of industries.

The Commission's investigation showed that the parties compete in the supply of flexible aluminium packaging for various end-uses, such as human and wet pet food, dairy and pharmaceuticals. The Commission found that the transaction would have reduced competition in the markets for the supply of sterilisable aluminium containers and lids for wet pet food and certain human foods (such as pâté) in the European Economic Area ('EEA'). In particular, the Commission concluded that the deal would have resulted in very large combined market shares as well as high concentration levels in the EEA.

The Commission also found that, after the acquisition, there would not be enough alternative suppliers to exert competitive pressure on the merged entity. This would have likely led to higher prices and less choice for human and pet food producers in Europe.

[Læs mere](#)

Dato: 29/01/2025



## State Aid

### **Commission approves €227 million Austrian State aid measure to support ams Osram in setting up a new wafer manufacturing facility in Premstätten**

Austria notified the Commission of its plan to support ams Osram in setting-up a wafer manufacturing facility in Premstätten. The wafers will be used in chips that serve a diverse range of applications across the automotive, consumer, industrial and medical markets. The new facility will be based on a toolbox approach, which combines Complementary Metal Oxide Semiconductors ('CMOS') technology for transistors, with a Through Silicon Via ('TSV') technique, which allows for a vertical electrical connection of chips, and/or optical filters ('Filters'), and thereby provides specific capabilities to the final chip. The advantage of such a tightly integrated process is producing Grade 0 automotive qualified products which offers access to highly customizable products, and allows reliability and performance, superior to other solutions.

The plant, which is expected to be operating at full capacity in 2030, will be the first facility in Europe with such an integrated process and producing Grade 0 automotive qualified products. The plant will also be partially open to other semiconductor companies to design and produce their own semiconductor chips.

[Læs mere](#)

Dato: 24/02/2025

### **Commission opens in-depth State aid investigation into Croatian support to wood companies**

The Commission's investigation started following the receipt of a complaint alleging that HŠ and certain Croatian wood processing companies benefitted from State aid incompatible with the internal market.

The support has been allegedly granted through: (i) the absence of remuneration by HŠ to the Croatian State in exchange for the exclusive rights to manage and commercially exploit the Croatian public forest; and (ii) the non-market conform prices offered by HŠ to certain Croatian wood processing companies that have signed contracts with HŠ for the purchase of wood.

Based on its preliminary assessment, with regards to the exclusive rights to commercially exploit the public forest granted to HŠ, the Commission has doubts as to whether the absence of remuneration might confer an economic advantage to HŠ as compared to private forest owners that need to buy or lease the forest to compete with HŠ. Similarly, in respect of the non-market conform prices offered to certain Croatian wood processing companies, the Commission has doubts as to whether they are autonomous commercial decisions of an independent company (HŠ), or rather decisions of the Croatian State, resulting in an economic advantage to a selected group of customers of HŠ.

The Commission will now investigate further to determine whether any of these initial concerns is confirmed. The opening of an in-depth investigation gives Croatia and interested third parties, including the alleged beneficiaries of the aid and the complainant, the opportunity to submit comments. It does not prejudice in any way the outcome of the investigation.

[Læs mere](#)

Dato: 24/02/2025

### **Commission approves Belgian State aid measure to support lifetime extension of two nuclear reactors**

Under the Belgian nuclear phase-out law of 2003, all seven nuclear reactors in Belgium had to be closed by 2025. In March 2022, in light of concerns about security of supply in the context of the energy crisis and the Russian war of aggression against Ukraine, the Belgian federal government decided to keep the two newest Belgian nuclear power plants, Doel 4 and Tihange 3, open for an additional 10 years.

In June 2024, Belgium notified the Commission of its plan to support the lifetime extension of two nuclear reactors, with an electricity generation capacity of up to 2000 MW.

On 22 July 2024, the Commission opened an in-depth investigation to assess the need, appropriateness and proportionality of the measure. The Commission had doubts regarding the contract-for-difference ('CfD') design and the proportionality of the (combination of) the financial arrangements, which might have relieved the beneficiaries from a too big share of the risk, as well as regarding the proportionality of the amount of the transferred nuclear waste liabilities.

[Læs mere](#)

Dato: 21/02/2025

**Commission approves €920 million German State aid measure to support Infineon in setting up a new semiconductor manufacturing facility**

Germany notified the Commission of its plan to support Infineon's project to set up a new semiconductor manufacturing facility in Dresden, Germany. The plant will produce two technology families: (i) discrete power technologies used for power switching, management and control in electronic systems, and (ii) analog/mixed-signal integrated circuits that are crucial for bridging the gap between the analog and digital worlds. The produced semiconductors will be used in industrial, automotive and consumer applications.

The new facility will be the first one in Europe that will be able to rapidly switch its production between the two technology families while maintaining its high output capacity. It will be a front-end facility, covering wafer processing, testing and separation. The plant will reach its full capacity in 2031.

[Læs mere](#)

Dato: 20/02/2025

**Commission approves €2.3 billion Finnish State aid scheme to foster the transition to a net-zero economy**

The European Commission has approved a €2.3 billion Finnish scheme to support investments in strategic sectors and to help industrial companies to decarbonise their production processes. The scheme contributes to the achievement of the priorities of the European Commission for 2024-2029, based on the Political Guidelines, which call for investments in clean energy and technologies. The scheme was approved under the State aid Temporary Crisis and Transition Framework ('TCTF') adopted by the Commission on 9 March 2023 and amended on 20 November 2023 and on 2 May 2024.

Finland notified to the Commission, under the TCTF, a €2.3 billion scheme consisting of three measures. This scheme complements a €400 million Finnish scheme adopted on 13 December 2024 (SA.113721) to help companies decarbonise their production processes and to support investments in strategic sectors.

[Læs mere](#)

Dato: 18/02/2025

**Commission invites comments on draft amendments to State aid rules with respect to access to justice in environmental matters**

The European Commission has launched today a consultation inviting interested stakeholders to comment on its draft amendments to the State aid Implementing Regulation (EC) No 794/2004 ('draft Implementing Regulation') and to the State aid Best Practices Code ('amended BPC') with respect to new rules on access to justice following the Aarhus Convention Compliance Committee's findings in case ACCC/C/2015/128.

The draft Implementing Regulation and the amended BPC set out a new mechanism which allows members of the public to request a Commission review of certain State aid decisions to establish whether they contravene EU environmental law. In the amended BPC, the Commission sets out the arrangements for the internal review procedure, such as, who can request the review, which decisions can be subject to the review, and the applicable deadlines.

The Commission also takes the opportunity of this revision to update other procedural rules in accordance with the Commission's established practice and the EU Court's case law.

[Læs mere](#)

Dato: 07/02/2025

**Commission approves €500 million French State aid scheme to support chemical recycling of plastic waste**

The European Commission has approved, under EU State aid rules, a €500 million French scheme to support the chemical recycling of certain types of plastic waste. The measure contributes to the achievement of the priorities of the European Commission for 2024-2029, based on the Political Guidelines, which call for a more circular and resilient economy.

France notified the Commission of its plans to introduce a €500 million scheme to support investments for the chemical recycling of certain types of plastic waste, such as trays, films, non-beverage bottles and textile materials with a certain amount of polyester content. The scheme aims to support chemical recycling technologies that convert mixed and/or contaminated plastic waste back into 'virgin-like' raw materials. The scheme will contribute to the EU's objective of circularity of production and consumption processes as part of a broader transformation of the industry towards climate neutrality.



Under the scheme, the aid will take the form of direct grants. The scheme is open to companies of all sizes and operating in all sectors. The maximum amount of aid is 40% of the eligible costs, which are the extra investment costs calculated by comparing the total investment costs of a project of chemical recycling of plastic waste with those of less environmentally friendly projects.

[Læs mere](#)

Dato: 03/02/2025

### **Commission approves €48 million French State aid measure to support Envision AESC France's production of batteries for electric vehicles**

The European Commission has approved, under EU State aid rules, a €48 million French measure to support Envision AESC France in setting-up a new factory for the production of Lithium-ion batteries for electric vehicles in Douai. The measure will contribute to the EU's strategic objectives relating to job creation, regional development, and to the green transition of the regional economy.

France notified the Commission of its plans to support Envision AESC France in the establishment of the first phase of a new factory in Douai, Hauts-de-France. The plant will produce Lithium-ion batteries for electric vehicles with an annual capacity of 9 GWh in this first phase. The aid, which will take the form of a direct grant, will amount to €48 million. The project will create approximately 1,000 direct jobs, as well as further indirect jobs.

The new factory, which is designed to be carbon neutral, will be located in the Hauts-de-France, an area eligible for regional aid under Article 107(3)(c) of the Treaty on the Functioning of the EU ('TFEU').

[Læs mere](#)

Dato: 31/01/2025

### **Commission approves €1.1 billion Italian State aid scheme to support employment of young people and women**

Italy notified to the Commission a €1.1 billion scheme which consists of two measures targeting: i) young people under the age of 35, who have never had an indefinite employment contract; and ii) women who reside in Mezzogiorno, Southern Italy, and have not been in regular employment in the previous 6 months. These two measures form part of a wider Italian employment scheme.

The scheme will support more vulnerable groups of workers who face higher levels of unemployment than other categories of workers (e.g. older than 35 or male workers). In addition, the scheme addresses female unemployment in the regions of Mezzogiorno, where the unemployment rate is considerably higher compared to the rest of Italy and to the EU average.

Under the scheme, employers, who hire young people or female workers with a contract of indefinite duration, will be exempted from the payment of mandatory social security contributions. The maximum amount of aid is €650 per worker per month, and €500 in case of young people in areas other than Mezzogiorno. To be eligible under the scheme, the employment contract must be concluded before 31 December 2025. Eligible employers will receive the aid for a period of 24 months following the recruitment.

Italy estimates that the scheme will lead to the creation of more than 180,000 employment contracts of indefinite duration.

[Læs mere](#)

Dato: 31/01/2025

## **Andet**

### **Ex post evaluation of the implementation and effectiveness of EU antitrust remedies (Final Report)**

In this report we study the implementation and effectiveness of the antitrust remedies that the European Commission imposed over the last 20 years pursuant to Article 7 (prohibition decisions) and Article 9 (commitments decisions) of Regulation 1/2003.

To this end, we collect evidence from a variety of sources, including: (i) the legal and economic literature; (ii) interviews with enforcers, scholars and practitioners on challenges and best practices; (iii) a novel dataset we constructed of all non-cartel antitrust decisions that the Commission took between the entry into force of Regulation 1/2003 on 24 January 2003 and 31 December 2022; and (iv) most notably, the retrospective evaluation of a carefully constructed sample of twelve significant remedy cases, based on oral interviews and written questionnaires with case teams, decision addressees and market participants, as well as Open Source Intelligence (OSINT) research.



From the twelve case studies we learn that: (i) while the majority of remedies assessed were fully implemented, less than half of the remedies were fully effective in attaining their intended objective; (ii) purely behavioural remedies were the least likely to be fully implemented and fully effective; and (iii) implementation and effectiveness seem to have improved over time. Based on the twelve case studies and our other sources of evidence we provide several recommendations de lege lata and de lege ferenda for future enforcement practice and policy, especially in relation to remedies under Article 7. In particular, we recommend the removal of the statutory subordination of structural to behavioural remedies under Article 7, the flexible use of market testing, and the more frequent recourse to reporting obligations and monitoring trustees.

[Læs mere](#)

Dato: 2025

## Nyt fra EU-domstolen

### Domme

#### [C-220/24](#) - **Aeroportul Internațional „Avram Iancu” Cluj**

Nøgleord:

Præjudiciel forelæggelse – luftfart – direktiv 96/67/EF – adgang til ground handling-markedet i Den Europæiske Unions lufthavne – artikel 1 – anvendelsesområde – lufthavne med en årlig trafik på mindre end 2 mio. passagerbevægelser – nægtelse af adgang til lufthavnsinfrastrukturen i en sådan lufthavn – artikel 6 – levering af ground handling-ydelser til tredjemand – anvendelse af konkurrencereglerne – artikel 102 TEUF

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 1, 6 og 7 i Rådets direktiv 96/67/EF af 15. oktober 1996 om adgang til ground handling-markedet i Fællesskabets lufthavne (EFT 1996, L 272, s. 36) og af artikel 102 TEUF.

Anmodningen er blevet indgivet i forbindelse med en tvist mellem Regia Autonomă Aeroportul Internațional »Avram Iancu« Cluj (den selvstændige forvaltning i den internationale lufthavn »Avram Iancu« i Cluj, herefter »den selvstændige forvaltning«) og Consiliul Concurenței (konkurrencerådet, Rumænien) vedrørende en påstand om annullation af en afgørelse, hvorved sidstnævnte pålagde den selvstændige forvaltning en bøde for misbrug af dominerende stilling.

Dom:

Artikel 1 og 6 i Rådets direktiv 96/67/EF af 15. oktober 1996 om adgang til ground handling-markedet i Fællesskabets lufthavne skal fortolkes således, at: disse bestemmelser ikke er til hinder for en anvendelse af artikel 102 TEUF under omstændigheder, hvor en leverandør af ground handling-ydelser er blevet nægtet adgang til den lufthavnsinfrastruktur, der er nødvendig med henblik på udøvelsen af denne aktivitet, i en lufthavn i Den Europæiske Union, hvis årlige trafik på tidspunktet for dette afslag var mindre end 2 mio. passagerbevægelser.

[Læs mere](#)

Dato: 27/02/2025

#### [C-233/23](#) - **Alphabet m.fl.**

Nøgleord:

Præjudiciel forelæggelse – konkurrence – dominerende stilling – artikel 102 TEUF – digitale markeder – digital platform – nægtelse fra den dominerende virksomhed, der har udviklet en digital platform, af at tillade adgang til denne platform for en tredjemandsvirksomhed, der har udviklet en applikation, således at der sikres interoperabilitet mellem nævnte platform og denne applikation – vurdering af, om adgangen til en digital platform er absolut nødvendig – virkningerne af den foreholdte adfærd – objektiv begrundelse – behov for, at den dominerende virksomhed udvikler en model for en kategori af applikationer med henblik på at tillade adgang – afgrænsningen af det relevante efterliggende marked





Tvist:

Anmodningen om præjudiciel afgørelse angår fortolkningen af artikel 102 TEUF. Denne anmodning er blevet indgivet i forbindelse med en tvist mellem på den ene side Alphabet Inc., Google LLC og Google Italy Srl og på den anden side Autorità Garante della Concorrenza e del Mercato (konkurrence- og markedstilsynsmyndighed, Italien) (herefter »konkurrencemyndigheden«) vedrørende denne myndigheds beslutning om at pålægge disse selskaber en sanktion for en overtrædelse af artikel 102 TEUF som følge af en nægtelse af at tillade interoperabilitet for en applikation, der er udviklet af en tredjemandsvirksomhed med henblik på levering af tjenester knyttet til genoplading af elektriske køretøjer, med den digitale platform Android Auto (herefter »Android Auto«), som nævnte selskaber tilbyder.

Dom:

- 1) Artikel 102 i traktaten om Den Europæiske Unions funktionsmåde skal fortolkes således, at det forhold, at en virksomhed med dominerende stilling, der har udviklet en digital platform, efter anmodning fra en tredjemandsvirksomhed nægter at sikre denne platforms interoperabilitet med en applikation, som denne tredjemandsvirksomhed har udviklet, kan udgøre misbrug af dominerende stilling, selv om nævnte platform ikke er absolut nødvendig for den erhvervmæssige udnyttelse af nævnte applikation på et efterliggende marked, men kan gøre applikationen mere attraktiv for forbrugerne, når den dominerende virksomhed ikke har udviklet platformen udelukkende til brug for sine egne aktiviteter
- 2) Artikel 102 TEUF skal fortolkes således, at såvel den omstændighed, at den virksomhed, der har udviklet en applikation og anmodet en virksomhed med dominerende stilling om at sikre denne applikations interoperabilitet med en digital platform, der ejes af sidstnævnte virksomhed, som det forhold, at førstnævnte virksomheds konkurrenter fortsat er aktive på det marked, hvorunder applikationen hører, og har udviklet deres stilling herpå, selv om de ikke havde fordel af en sådan interoperabilitet, ikke i sig selv indikerer, at virksomheden med dominerende stillings nægtelse af at efterkomme denne anmodning ikke kunne have konkurrencebegrænsende virkninger. Det skal vurderes, om virksomheden med dominerende stillings adfærd kunne hindre opretholdelsen eller udviklingen af konkurrencen på det pågældende marked, idet der tages hensyn til alle de relevante faktuelle omstændigheder.
- 3) Artikel 102 TEUF skal fortolkes således, at når en adfærd, der består i, at en virksomhed med dominerende stilling nægter at sikre interoperabilitet mellem en applikation, som en tredjemandsvirksomhed har udviklet, og en digital platform, som indehaves af denne virksomhed med dominerende stilling, kan kvalificeres som misbrug som omhandlet i denne bestemmelse, kan sidstnævnte virksomhed som objektivt begrundelse for sin nægtelse med føje påberåbe sig, at der ikke fandtes en model, der gjorde det muligt at sikre denne interoperabilitet på det tidspunkt, hvor tredjemandsvirksomheden anmodede om en sådan adgang, når tildelingen af en sådan interoperabilitet ved hjælp af denne model i sig selv og i betragtning af egenskaberne ved den applikation, for hvilken der anmodes om interoperabilitet, skader den pågældende platforms integritet eller sikkerheden ved anvendelsen heraf, eller når det af andre tekniske årsager er umuligt at sikre denne interoperabilitet ved at udvikle nævnte model. Såfremt det ikke forholder sig således, har virksomheden med dominerende stilling pligt til at udvikle en sådan model inden for en rimelig og nødvendig frist, i givet fald mod en passende økonomisk modydelse, idet der tages hensyn til behovene for den tredjemandsvirksomhed, der har anmodet om denne udvikling, de reelle omkostninger i denne forbindelse og virksomheden med dominerende stillings ret til at opnå en passende fortjeneste heraf.
- 4) Artikel 102 TEUF skal fortolkes således, at en konkurrencemyndighed med henblik på at vurdere, om der foreligger misbrug i form af en virksomhed med dominerende stillings nægtelse af at sikre interoperabilitet for en applikation, som en tredjemandsvirksomhed har udviklet, med en digital platform, som indehaves af denne virksomhed med dominerende stilling, kan nøjes med at identificere det efterliggende marked, hvorpå denne nægtelse kan have konkurrencebegrænsende virkninger, selv om dette efterliggende marked kun er et potentielt marked, idet en sådan identifikation ikke nødvendigvis kræver en præcis afgrænsning af det omhandlede produktmarked eller geografiske marked.

[Læs mere](#)

Dato: 25/02/2025

**C-244/23 P - Kommissionen mod Carpatair**

Nøgleord:

Appel – statsstøtte – luftfartssektoren – foranstaltninger gennemført af Timișoaras internationale lufthavn (Rumænien) til fordel for Wizz Air og andre luftfartsselskaber, der benytter denne lufthavn – afgørelse, hvorved det fastslås, at der ikke foreligger statsstøtte – annullationssøgsmål – artikel 263 TEUF – antagelse til realitetsbehandling – betingelse om, at en sagsøger skal være umiddelbart og individuelt berørt – begrundelsespligt – urigtig gengivelse af beviserne

Tvist:

Europa-Kommissionen (sag C-244/23 P), Wizz Air Hungary Légiközlekedési Zrt. (Wizz Air Hungary Zrt.) (herefter »Wizz Air«) (sag C-245/23 P) og Societatea Națională »Aeroportul Internațional Timișoara – Traian Vuia« SA (AITTV) (sag C-246/23 P) har med deres respektive appelskrifter nedlagt påstand om ophævelse af Den Europæiske Unions Rets dom af 8. februar 2023, Carpatair mod Kommissionen (T-522/20, herefter »den appellerede dom«, EU:T:2023:51), hvorved sidstnævnte annullerede artikel 2 i Kommissionens afgørelse (EU) 2021/1428 af 24. februar 2020 om Rumæniens statsstøtte SA. 31662 – C/2011 (ex NN/2011) til Timișoara International Airport – Wizz Air (EUT 2021, L 308, s. 1, herefter »den omtvistede afgørelse«), for så vidt som det heri fastslås, at de lufthavnsafgifter, der fremgår af luftfartsinformationspublikationen (herefter »AIP«) for 2010 og aftalerne indgået mellem AITTV og Wizz Air i 2008 (herefter »aftalerne af 2008«), herunder de ændringer, som disse aftaler var genstand for i 2010 (herefter »ændringsaftalerne af 2010«), ikke udgør statsstøtte.

Dom:

- 1) Den Europæiske Unions Rets dom af 8. februar 2023, Carpatair mod Kommissionen (T-522/20, EU:T:2023:51), ophæves.
- 2) Sagen hjemvises til Den Europæiske Unions Ret.
- 3) Afgørelsen om sagsomkostningerne udsættes.

[Læs mere](#)

Dato: 13/02/2025

**C-511/23 - Caronte & Tourist**

Nøgleord:

Præjudiciel forelæggelse – konkurrence – artikel 102 TEUF – misbrug af dominerende stilling – tildeling af midler til de nationale konkurrencemyndigheder til håndhævelse af konkurrencereglerne – direktiv (EU) 2019/1 – de nationale konkurrencemyndigheders uafhængighed – artikel 4, stk. 5 – prioritering af sager i forbindelse med håndhævelsen af artikel 101 TEUF og 102 TEUF – bøder til virksomheder og virksomhedssammenslutninger – artikel 13 – procedurer om overtrædelse af konkurrencereglerne – overholdelse af en rimelig frist – national lovgivning, der fastsætter en forpligtelse for den nationale myndighed til at fremsende en klagepunktsmeddelelse inden for en frist på 90 dage fra tidspunktet for kendskabet til overtrædelsens væsentlige elementer – fuldstændig og automatisk annullation af den nationale konkurrencemyndigheds afgørelse i tilfælde af overskridelse af denne frist – princippet ne bis in idem – fortabelse af beføjelsen til at indlede en ny overtrædelsesprocedure vedrørende de samme faktiske omstændigheder – effektivitetsprincippet – virksomhedernes ret til forsvar

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 102 TEUF. 2. Anmodningen er blevet indgivet i forbindelse med en tvist mellem Caronte & Tourist SpA (herefter »C&T«) og Autorità Garante della Concorrenza e del Mercato (konkurrence- og markedsmyndigheden, Italien) (herefter »AGCM«) vedrørende de sanktioner, som denne sidstnævnte myndighed har pålagt C&T for misbrug af en dominerende stilling.

Dom:

Artikel 4, stk. 5, i Europa-Parlamentets og Rådets direktiv (EU) 2019/1 af 11. december 2018 om styrkelse af de nationale konkurrencemyndigheders forudsætninger for at håndhæve konkurrencereglerne effektivt og sikring af et velfungerende indre marked og artikel 102 TEUF, sammenholdt med effektivitetsprincippet, skal fortolkes således, at disse bestemmelser er til hinder for en national lovgivning, der under en procedure, som gennemføres af en national konkurrencemyndighed med henblik på at fastslå en konkurrencebegrænsende praksis, for det første pålægger denne



myndighed at indlede den kontradiktoriske håndhævelsesfase i denne procedure gennem en klagepunktsmeddelelse til den pågældende virksomhed inden for en frist på 90 dage fra det tidspunkt, hvor den får kendskab til den angivelige overtrædelses væsentlige elementer, da disse kan begrænse sig til den første anmeldelse af overtrædelsen, og for det andet sanktionerer den manglende overholdelse af denne frist med en fuldstændig annullation af den nævnte myndigheds endelige afgørelse efter overtrædelsesproceduren samt med denne sidstnævntes fortabelse af sin beføjelse til at indlede en ny overtrædelsesprocedure vedrørende samme praksis.

[Læs mere](#)

Dato: 30/01/2025

### Forslag til afgørelse

Intet nyt.

### Kendelse

Intet nyt.

### Andet nyt fra EU-domstolen

Intet nyt.

## Andet internationalt nyt

### ANALYSIS OF LOCAL COMPETITION - Vets Market Investigation Working Paper

Veterinary services for household pets are most often provided in the UK from veterinary practices with a fixed address. In order to receive care, a customer must take their animal to the relevant site to see a vet. A customer's choice of veterinary practice will be limited to those located within the geographic area where the customer is willing (and able) to travel. This is shown by 68% of respondents to our pet owners survey noting that location was a relevant factor when choosing a veterinary practice, with the highest proportion (34%) noting location was the main reason for their choice.

Before 1999 veterinary practices were all owned by vets, with acquisitions and consolidation beginning in the early 2000s and accelerating through the 2010s. By 2024, large veterinary groups (LVGs) owned around 60% of first opinion practices (FOPs), in the UK. This change in market structure has led to an increase in the degree of local concentration in the UK, with concerns raised by some parties during our consultation on a market investigation reference that there was now an insufficient number of competitors in some areas.

The CMA has reviewed a number of veterinary mergers since 2022. The CMA's merger control function assesses, on a prospective basis, whether the acquisition by one firm of another gives rise to competition issues. A market investigation also enables us to look at local markets, but it is a broader tool that allows us to assess a range of market situations including those which fall outside of merger control.

[Læs mere](#)

Dato: 06/02/2025



## 3 | LITTERATUR (DK)

### Artikler fra UfR

Intet nyt.

### Nye publikationer fra Erhvervsministeriet

#### 60 mio. kr. skal booste biosolutions i Danmark

Danske virksomheder står allerede stærkt i forhold til at udvikle og producere klima- og miljøvenlige biosolutions. Området er i hastig global vækst, men danske virksomheder – og særligt SMV'er – mangler bedre adgang til danske test-, demonstrations- og udviklingsfaciliteter.

Det betyder, at danske virksomheder risikerer at sakke bagud i den globale konkurrence. Derfor besøger erhvervsminister Morten Bødskov i dag biosolutionsvirksomhederne Chromologics og UniBio i forbindelse med, at regeringen og Folketingets partier har afsat 60 mio. kr. til at etablere test-, udviklings- og demonstrationsfaciliteter med tilstrækkelig kapacitet.

[Læs mere](#)

Dato: 03/03/2025

### Artikler fra Juristen

Intet nyt.

### Artikler fra Erhvervsjuridisk Tidsskrift

Intet nyt.

### Artikler fra Revision og Regnskabsvæsen

Intet nyt.

### Artikler fra EU-ret og Menneskeret

Intet nyt.

### Anden dansk og nordisk litteratur

Intet nyt.

## 4 | LITTERATUR (UK)

### Artikler fra European Competition Law Review

#### Volume 46, issue 3, 2025:

#### Cartel damages claims: limitation periods after Heureka: a case note on ECJ 18 April 2024 Heureka Group a.s. v Google LLC (C-605/21) ECLI:EU:C:2024:324

Discusses how Heureka Group as v Google LLC (C-605/21) (ECJ) develops the rules on limitation periods for cartel damages claims under EU competition law, including clarification of when injured parties' knowledge of the infringement under Directive 2014/104 art.10(2) is to be assumed.

#### A closer look at Italy in the last 12 months: between new tools and enforcement priorities

Reviews Italian competition law developments from June 2023 to September 2024, including additional market investigation powers of the Italian Competition Authority, revised guidelines on merger notifications, and case law on issues such as enforcement actions against cartels and abuse of dominance.

**Of delays and private claims: is arbitration an option under India's competition law?**

Examines the four-stage test for determining arbitrability of competition law disputes under India's current arbitral framework, compares the approaches of the US, the UK and the EU to arbitrating private antitrust claims, and suggests reforms to increase the efficiency of such enforcement in India.

**Functionalism analysis of the failing firm defense in the control of concentrations between undertakings**

Examines the construction of the failing firm defence (FFD) in reviews of business concentrations, and the types of reorganisations meeting the criteria for anti-monopoly declarations in China. Details the operation of the defence in the US and EU, and its compatibility with the efficiency defence.

**The Making and Unmaking of Ordoliberal Language. A Digital Conceptual History of European Competition Law**

There is no abstract available

**Innovation Paradox in Merger Control (Publication Review)**

There is no abstract available

**Belgium: anti-competitive practices - judgment (Case Comment)**

Notes a Belgian Court of Appeal decision rejecting a follow-on cartel damages claim by the European Commission against Kone, Otis, Schindler and ThyssenKrupp, following its public enforcement action. Highlights the novelty of the order for disclosure of documents and failure to prove damage.

**Canada: mergers - merger control (Case Comment)**

Notes the Canadian Competition Commissioner's settlement in TransAlta Corp / Heartland Generation of concerns over an acquisition affecting the wholesale electricity supply market in Alberta, subject to divestiture, considering the incentive for "economic withholding" and high barriers to entry.

**Denmark: anti-competitive agreements - investigation (Case Comment)**

Notes the Danish Competition and Consumer Authority's acceptance of commitments, without reaching a final decision, concerning potential abuse of dominance by Totalcredit, a mortgage loan provider, in its agreement with partner banks involving exclusivity and exit terms.

**Finland: mergers - merger control (Case Comment)**

Notes the Finnish Market Court ruling in Valio Oy v Finnish Competition and Consumer Authority, imposing a penalty of EUR 600,000 on a company in the dairy manufacturing sector for breaching merger commitments imposed in respect of its acquisition of a food service wholesaler.

**Finland: competition - report**

Notes the Finnish Competition and Consumer Authority's November 2024 report on competition in the pet veterinary services market and the impact of market concentration, including its recommendation that a call-in option to investigate acquisitions below the turnover threshold be introduced.

**France: anti-competitive practices - infringement (Case Comment)**

Notes the French Competition Authority ruling in Schneider Electric / Legrand / Rexel / Sonepar imposing fines totalling EUR 470 million on manufacturers and distributors in the low voltage electrical equipment sector for anti-competitive practices involving vertical resale price fixing.

**Ireland: anti-competitive practices - investigation (Case Comment)**

Notes the Irish Competition and Consumer Protection Commission ruling in Dublin and District Schoolboys/Girls League on whether requiring the parents of children playing in a youth football league to purchase a particular personal accident insurance policy constituted an anti-competitive practice.

**Netherlands: anti-competitive practices - investigation**

Notes a review conducted by the Dutch Authority for Consumers and Markets into whether a collaboration between Dutch asphalt producers with sustainability objectives would be an infringement of competition law.

**Netherlands: mergers - merger control**

Notes the ongoing investigation by the Dutch Authority for Consumers and Markets into whether "stringing beads" strategies of tactical acquisitions in the telecommunications and glass fibre network markets constitute anti-competitive conduct and infringe merger control regulations.

**South Africa: mergers - legislation (Legislative Comment)**

Notes draft regulations published by the Common Market for Eastern and Southern Africa (COMESA) Competition Commission, containing proposed reforms to the Competition Regulations of the Common Market for Eastern and Southern Africa (COMESA) 2004, including changes to merger notification thresholds.

**Spain: anti-competitive practices - legislation**

Notes the approval by the Spanish National Markets and Competition Commission of arbitration regulations to resolve private disputes in relevant areas of competition law. Summarises their key features, including an abbreviated procedure for minor disputes, and the rules on publication of awards.

**Spain: anti-competitive practices - infringement (Case Comment)**

Notes the Spanish National Markets and Competition Commission ruling in Booking.com BV, imposing fines totalling over EUR 413 million on a company providing online booking intermediation services to hotels, for long-standing exploitative and exclusionary abuses of its dominant position.

**Sweden: anti-competitive practices; merger control - investigation**

Notes the Swedish Competition Authority's discontinuation of its investigation of Braathens Regional Airlines AB and SAS AB in the domestic aviation market, concerning alleged anti-competitive effects of wet-lease agreements between the parties, and whether these were subject to merger control.

**Turkiye: anti-competitive practices - investigation (Case Comment)**

Notes the Turkish Competition Board ruling in Samsung Electronics Istanbul Paz Ve Tic Ltd Sti involving the competition law application of the ne bis in idem principle during two investigations into alleged resale price maintenance and restrictive practices in the durable consumer goods market.

**United Kingdom: mergers - merger control (Case Comment)**

Notes the Competition and Markets Authority ruling in Vodafone Group Plc / CK Hutchison Holdings Ltd, approving a "four-to-three" merger in the UK telecommunications sector, subject to behavioural commitments addressing the substantial lessening of competition involved. Considers the implications.

## Artikler fra European Competition Journal

Intet nyt.

## Artikler fra Journal of Competition Law and Economics

Intet nyt.

## Artikler fra Journal of Antitrust Enforcement

Intet nyt.

## Artikler fra Journal of European Competition Law and Practice

Intet nyt.

## Artikler fra World Competition

**Volume 48, issue 1, 2025:****The Credibility of the DMA's Compliance Reports (p. 3)**

The institutional setting of the Digital Markets Act (DMA) (Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828, OJ L 265, 12 October 2022.) reverses the rationale of the application of Articles 101 and 102 TFEU (Treaty on the Functioning of the European Union, OJ C 326, 26 October 2012.) to make profound changes in digital business models. The deterrencebased framework gives way to an instrument based on cooperative engagement



between private and public actors. Private undertakings, termed as gatekeepers, bear the burden of submitting compliance reports to the European Commission detailing their technical implementation of the regulation.

Following the compliance reports submitted by the seven gatekeepers in 2024, the paper seeks to clarify their role as stemming from their practical significance. To do that, the paper sets out the legal framework and requirements surrounding the submissions of those compliance reports. The paper then maps out the gatekeeper's compliance strategies and meters them against the benchmark of their credibility. By doing so, the paper considers a nuanced perspective of the procedural yardstick the enforcer should apply in its future enforcement actions.

#### **Taming BIG TECH – A shift in Paradigm and Its Implications for the Principle of ne bis in idem (p. 27)**

With the adoption and entry into force of the Digital Markets Act (DMA) at the EU level as well as national laws targeting similar issues (e.g., the German §19a GWB), questions concerning the consequences of parallel proceedings (PP) pursuant to the competition provisions and – in its broadest sense – ‘digital regulatory law’ become more and more pressing. Potential conflicts with the principle of ne bis in idem are thus about to occur in various different constellations. Against the bigger picture of diverging approaches to competition law and/or regulation in the digital sphere, this article depicts the current legal framework regarding the prohibition of double jeopardy in EU (competition) law. It then identifies scenarios of possible PPs of the different (EU and national) provisions mentioned and exemplifies potential frictions by means of hypothetical case studies.

The latter shall be further scrutinized according to the law as it stands and illustrate the different strands of arguments on how to deal with such conflicts. The aim of this article is thus to show that while the current legal framework is workable, the decisive element in many potential scenarios of PPs surrounds the notion of the idem, that is, more precisely, the element of the identity of the facts. A corollary of this finding is that there are pivotal questions to be clarified with respect to the objectives of the two regimes, namely the traditional competition provisions on the one hand and the DMA or DMA-like provisions at the national level on the other hand.

#### **What the FRAND?! Understanding the Regulation of Pricing Power in the Single Market for ESG Ratings (p. 51)**

The European co-legislators have adopted the Regulation on the transparency and integrity of Environmental, Social and Governance (ESG) rating activities (ESGR). The ESGR requires fees charged by rating providers to be fair, reasonable, transparent and non-discriminatory, to reduce the ability of providers to exploit their pricing power.

This pricing rule, which belongs to a class of rules known as FRAND(T) rules, does not provide any context or guidance that clarifies how to apply the pricing policy to a provider's pricing policy. As a consequence, providers are facing considerable legal uncertainty.

This article applies established interpretation methods, including a comparative analysis using other FRAND(T) rules in the body of European Union financial and digital regulation, to guide the interpretation of the pricing rule in practice.

#### **A Systematic Literature Review on Mergers, Acquisitions, and Other Foreign Direct Investment by Chinese Firms in the EU (p. 81)**

Over the past twenty years, Chinese investments in the EU have significantly increased. Although such investments support the revival of the economy, also several concerns have surfaced. These often relate to matters of unfair competition and national security. This paper employs a PRISMA methodology to systematically analyse the literature on mergers and acquisitions (M&A) and other foreign direct investments (FDI) made by Chinese companies in the EU and to present a neutral overview of the current state of the art. Our research delves into: (1) the theoretical frameworks that have been applied, (2) the motivations of Chinese companies to engage in M&A and FDI in the EU, (3) the effects that have been studied, (4) which types of Chinese firms engage in M&A and FDI in the EU, the role of government support, the affected industries and timeframes, and (5) the empirical methods and data. Our main conclusions point to the continued use of Dunning's Ownership, Localization, Internalization (OLI) and motivation theories as the primary theoretical frameworks. Chinese companies seem mainly driven by market access, growth, and supply chain opportunities, while also political motives are extensively discussed. The literature reports substantial financial support from the Chinese government as an enabling factor. Following recent geopolitical changes, the EU is increasingly monitoring Chinese investments in light of security, strategic autonomy and fair competition.

#### **Competition Law in Latin America and Global Greenhouse Gas Emissions: The Way Forward (p. 125)**

The Latin American region is rich in minerals – such as lithium and copper – that are critical for the global transition to clean energy, is home to the largest rain forest in the world, and enjoys geographical advantages for the deployment of renewable energy technologies. The latter could provide the region with an opportunity to develop green hydrogen, an energy source with the potential to play a significant role in energy transitions of hard-to-abate industries such as steel



production. The region has therefore a strategic importance in the global effort to achieve reduction targets of greenhouse gas (GHG) emissions required for the goal to keep global warming below 1.5 degrees Celsius as established in the Paris Agreement. This paper provides an overview of the possible market power problems associated with the development of this potential, such as high concentration of mining and refining activities, as well as market power in food value chains that may be driving deforestation in the Amazon. The paper sketches antitrust enforcement interventions that do not require changing the prevailing goals and analytical framework of competition law enforcement as well as interventions that would require such a change, identifying areas where future research should be conducted in order to inform policy change.

#### **How Comprehensive are Competition Laws? The Case of the GCC Countries (p. 153)**

This research aims to investigate the comprehensiveness of the competition laws in the Gulf Cooperation Council (GCC) countries. The study covers six countries: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates. A comparative and gap analysis was used to identify the gaps and shortcomings in these countries' laws compared to best-practice competition laws. The focus of analysis is on four key areas: (1) Authority Provisions, (2) Merger Control, (3) Abuse of Dominance, and (4) Anticompetitive Agreements. The results indicate that, overall, competition laws in the GCC countries have a high coverage ratio of provisions that establish legal and institutional frameworks to ensure fair competition in the market. However, there is significant variation in coverage across the region, highlighting the need for harmonization and improvement of these laws, particularly given the common market arrangement shared by the GCC countries.

**Book Review: Supreme Court and the Indian Economy, by Pradeep S. Mehta. (1st Edition. Academic Foundation Publishing. 2024) (p. 179)**

## **Artikler fra Antitrust Law Journal**

### **Artikler fra Antitrust Bulletin**

Intet nyt.

### **Artikler fra Competition Law and Policy Debate**

Intet nyt.

### **Artikler fra Competition Law Scholars Forum**

Intet nyt.

## **Artikler fra Journal of Regulatory Economics**

**Volume 69, issue 1, 2025:**

#### **The consequences of regulatory reform in emerging countries: the special case of real estate regulation in India**

We examine the effect of the passage of the 2016 Real estate regulation and development act on real estate firms in India. We use the regulatory intervention as an exogenous shock and find an adverse stock price reaction, which we attribute to the increased cost of compliance, cost of external financing, and additional monitoring imposed on the firms. Further analyses reveal that firms with higher operating cash flows and a higher proportion of independent directors sustain lower valuation losses. In our post-regulation analysis, we find that firms suffer from declines in operating profit and indulge in earnings management. The effect is more prevalent for firms with higher agency costs (cash holding) and wider business affiliations. Considering that sweeping regulatory changes are relatively infrequent, our findings shed new light on how firms adjust to shifts in regulatory regimes.

## **Artikler fra International Review of Law and Economics**

**Volume 81, issue 1, 2025:**

#### **Case law in European merger control**

This paper studies references to case law in merger control decisions by the EC Directorate General for Competition (DG COMP) in 1990–2022. I use the full set of references to Court of Justice of the European Union (CJEU) judgments in DG COMP decisions to examine implementation, industry dynamics and effects of the 2004 merger control reform. New case law is shown to be immediately incorporated into the merger control practice without a learning period, subsequent





citations correlate with industry-specific merger activity and the 2004 ECMR reform changed which judgments are frequently cited. European merger control should thus be viewed as a dynamic framework rather than constant in time and across industries. When controlling for quantifiable determinants of case law citations, the ceteris paribus relevance of case law is constant for 20–25 years, implying that judgments do not intrinsically lose relevance over time.

### **Norms as obligations**

Economists model legal compliance as the process of maximizing utility while weighing the consequences from norm violation against other (monetary and non-monetary) considerations. Legal philosophers, on the other hand, believe that the normative side of law is central. Citizens comply because they have an obligation to do so. Legal norms provide exclusionary reasons that prevent weighing up on other issues. We test and compare both models in a controlled online experiment. We conduct a modified dictator game with partially unknown yet ascertainable payoffs, and vary between treatments the presence and content of authoritative norms. Our experimental results show that – in the presence of a norm – participants follow norms without searching for information that they deem important in the absence of a norm. This pattern is independent of the specific content of the norm. Our results are consistent with the legal model of norm compliance.

### **An inspector calls: On the optimality of warning firms about ongoing inspections in antitrust policy**

This paper investigates the effects of disclosing information about the likelihood of an inspection on the sustainability of cartels. To this end, I develop a model in which the Antitrust Authority can credibly disclose this type of information before firms make strategic decisions. In this way, the Antitrust Authority can distort the optimal behavior of the cartel firms related to production and cartel activities between inspection periods and non-inspection periods. I show how this can destabilize some cartel agreements, but it can also create productive inefficiencies not considered in standard models of collusion, to the extent that it induces cartel firms to devote costly resources to cartel activities.

### **Jury priors and observable defendant characteristics**

Although prohibited, jurors sometimes condition, consciously or subconsciously, their belief that a defendant is guilty on the defendant's race or ethnicity or other observable characteristics. This can be viewed as a juror forming a prior or pre-trial/evidence disclosure belief of guilt. In doing this, they rely on their perceptions of education, socio-economic status, religion, beliefs, networks, etc. for the defendant's race (or other observable characteristic) and how they perceive those to influence the probability the defendant is guilty. This is consistent with aversive discrimination, which suggests that people want to be egalitarian and not condition on race but have a tendency to base decisions on factors that are discriminatory when race is not salient. When this prior or pre-trial/evidence disclosure belief of guilt overestimates the prior probability of guilt for those in the minority group, it underestimates the prior probability of guilt for those in the majority group. Prohibiting conditioning on observable defendant characteristics can be viewed as requiring the use of the population prior/pre-trial probability of guilt. Conditions for when such prohibition improves accuracy are provided. While it is difficult to effectively prohibit this, studies of aversive discrimination suggest that making race salient in a trial can reduce implicit bias on race. So these results may provide some guidance on when such activity should be permitted.

### **Allocating the common costs of a public service operator: An axiomatic approach David Lowing, Léa Munich, Kevin Techer**

Accurate cost allocation is a challenge for both public service operators and regulatory bodies, given the dual objectives of ensuring essential public service provision and maintaining fair competition. Operators have the obligation to provide essential public services for all individuals, which may incur additional costs. To compensate this, the operators receive state aids, which are determined by an assessment of the net cost associated with these obligations. However, these aids introduce the risk of distorting competition, as operators may employ them to subsidize competitive activities. To avoid this risk, a precise cost allocation method that adequately assesses the net cost of these obligations becomes necessary. Such a method must satisfy specific properties that effectively prevent cross-subsidization. In this paper, we propose a method grounded in cooperative game theory that offers a solution for allocating common costs between activities and obligations in public service provision. We adopt a normative approach by introducing a set of desirable axioms that prevent cross-subsidization. We provide two characterizations of our proposed solution on the basis of these axioms. Furthermore, we present an illustration of our method to the allocation of common costs for a public service operator.

## **Artikler fra Competition Law Journal**

Intet nyt.



## Artikler fra European Competition and Regulatory Law Review

Intet nyt.

## Artikler fra Communications Law

Intet nyt.

## Artikler fra Computer and Telecommunications Law Review

**Volume 31, issue 2, 2025:**

### **Advancing lawful AI through "Compliance by Design"**

Discusses how controls, protocols and tools can be embedded within artificial intelligence (AI) to facilitate law enforcement.

### **Baby steps: Australian Privacy Act reform**

Comments on proposed Australian privacy law reforms including the introduction of a tort of serious privacy invasion, offences of doxing, and providing more transparency about automated decision-making.

### **AI - an overview series - Part 1**

Reviews cases relevant to privacy and image rights which may have implications for the development of artificial intelligence.

### **Court of Appeal applies contractual liability cap to the sums due to each party before set-off (Topalsson v Rolls-Royce Motor Cars Ltd) (Case Comment)**

Comments on Topalsson GmbH v Rolls-Royce Motor Cars Ltd (CA) on the termination of a computer software development contract and application of a contractual liability cap on each party.

### **The public enforcement of the EU Artificial Intelligence Act: building on the national market surveillance system: Part 2**

This, the second part of a two-part article on the institutional framework of bodies, systems and procedures under Regulation 2024/1689 (the Artificial Intelligence Act), examines the role of the national market surveillance authorities. (Part 1 - link below - at C.T.L.R. 2025, 31(1), 17-33.).

### **EC computing, telecommunications and related measures**

Summarises the status of EC legislative measures on electronic communications, Directive 2002/22 (Telecoms Framework Directive), the Competitiveness and Innovation Framework Programme, electronic commerce, electronic signatures, network security, cybercrime, cybersecurity, the Information Society, technological development, telecommunications, broadcasting, satellite, intellectual property rights, data protection, and taxation.

### **US federal computing, telecommunications and related measures**

Summarises the status of US federal legislative measures on electronic commerce, cybercrime and security, the internet, the Information Society and e-government, intellectual property, telecommunications and broadcasting, data protection and privacy, taxation and outsourcing.

**Volume 31, issue 1, 2025:**

### **"Right to be forgotten": understanding Nigerian data regulatory framework**

Discusses the individual's right to erasure of personal data under constitutional law and data protection statutes in Nigeria, and examines how the law could be improved.

### **D'Aloia - high noon for crypto-tracing? (Case Comment)**

Comments on D'Aloia v Persons Unknown (Ch D) on an unsuccessful claim to trace and recover fraudulently misappropriated cryptocurrency assets.

### **Website authentication: new international legal standards safeguarding digital trade**

Welcomes the UN Model Law on the use and cross-border recognition of identity management and authentication services, as a contribution to cybersecurity and online trade, and discusses how adoption of the Model Law in China could affect digital economy legislation and practice.



### **The public enforcement of the EU Artificial Intelligence Act: building on the national market surveillance system - part one**

This, the first part of a two-part article on the institutional framework of bodies, systems and procedures under Regulation 2024/1689 (the Artificial Intelligence Act), examines governance and enforcement at the EU level.

### **EC computing, telecommunications and related measures**

Summarises the status of EC legislative measures on electronic communications, Directive 2002/22 (Telecoms Framework Directive), the Competitiveness and Innovation Framework Programme, electronic commerce, electronic signatures, network security, cybercrime, cybersecurity, the Information Society, technological development, telecommunications, broadcasting, satellite, intellectual property rights, data protection, and taxation.

### **US federal computing, telecommunications and related measures**

Summarises the status of US federal legislative measures on electronic commerce, cybercrime and security, the internet, the Information Society and e-government, intellectual property, telecommunications and broadcasting, data protection and privacy, taxation and outsourcing.

## **Artikler fra Global Competition Litigation Review**

Intet nyt.

## **Artikler fra Market and Competition Law Review**

Intet nyt.

## **Andre udenlandske artikler**

Intet nyt.

## **5 | NYT FRA KONKURRENCEGRUPPEN**

### **Når robotter koordinerer priser**

Udbredelsen af AI har gjort det lettere for virksomheder at overvåge markedet samt koordinere priser med deres konkurrenter. Det sidste strider mod konkurrencereglerne, men også det første har givet anledninger til bekymringer hos konkurrencemyndighederne. Artiklen analyserer brugen af AI fra en konkurrenceretlig vinkel, herunder grænsen mellem lovlig overvågning og markedstilpasning over for ulovlige koordinering.

[Læs mere](#)

Dato: 30/01/2025