



Konkurrenceretlig Nyhedsoversigt nr. 102 / dækkende 3. maj 2025 – 1. juni 2025

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1 | DANSK RET

Nyt fra Konkurrence- og Forbrugerstyrelsen

Godkendelse på baggrund af en forenklet sagsbehandling af Adelis Equity Partners' erhvervelse af enekontrol over Egon Olsen & Søn A/S, LKA Entreprise A/S, Lundbæk & Hansen Bygningsforbedring A/S samt Snedkermester Arne Pedersen A/S og dets søsterselskab Sesam Mobile Vægssystemer A/S

Konkurrence- og Forbrugerstyrelsen modtog den 21. maj 2025 en forenklet anmeldelse af Adelis Equity Partners' ("Adelis") erhvervelse af enekontrol over Egon Olsen & Søn A/S, LKA Entreprise A/S, Lundbæk & Hansen Bygningsforbedring A/S samt Snedkermester Arne Pedersen A/S og dets søsterselskab Sesam Mobile Vægssystemer A/S.

[Læs mere](#)

Dato: 23/05/2025

Godkendelse på baggrund af en forenklet sagsbehandling af HanseWerk Natur GmbH og Stadtwerke Kiel AG's oprettelse af et fælleskontrolleret joint venture

Konkurrence- og Forbrugerstyrelsen modtog den 16. maj 2025 en forenklet anmeldelse af HanseWerk Natur GmbH ("HAWN") og Stadtwerke Kiel AG's ("SWK") etablering af "FördeWärme" som et selvstændigt fungerende joint venture.

[Læs mere](#)

Dato: 23/05/2025

Godkendelse på baggrund af en forenklet sagsbehandling af Saudi Arabian Oil Companys erhvervelse af fælleskontrol over Unioil Pe-troleum og Unioil Energy

Konkurrence- og Forbrugerstyrelsen modtog den 7. maj 2025 en forenklet anmeldelse af Aramco Asia Singapore Pte. Ltd.'s, et helejet datterselskab af Saudi Arabian Oil Company ("Saudi Aramco"), erhvervelse af fælleskontrol over Unioil Petroleum Philippines, Inc. ("Unioil Petroleum") og Unioil Energy Pte. Ltd sammen med Lavish Sources Limited ("LSL") og Oiland Development Corporation.

[Læs mere](#)

Dato: 21/05/2025

Godkendelse af Nykredit Realkredit A/S' erhvervelse af enekontrol over Spar Nord Bank A/S

Konkurrence- og Forbrugerstyrelsen har godkendt fusionen mellem Nykredit Realkredit A/S og Spar Nord Bank A/S. Fusionen er godkendt uden indgreb af nogen art.

[Læs mere](#)

Dato: 20/05/2025

Godkendelse på baggrund af en forenklet sagsbehandling af AgroCares erhvervelse af Nordic Greens

Konkurrence- og Forbrugerstyrelsen modtog den 2. maj 2025 en forenklet anmeldelse af en fusion mellem AgroCare Beheer B.V. (herefter "AgroCare") og NORDIC GREENS A/S (herefter "Nordic Greens").

[Læs mere](#)

Dato: 6/05/2025

Godkendelse på baggrund af en forenklet sagsbehandling af NTG Nordic Transport Groups erhvervelse af enekontrol over DTK

Konkurrence- og Forbrugerstyrelsen modtog den 30. april 2025 en forenklet anmeldelse af en fusion mellem NTG Nordic Transport Group A/S ("NTG") og DTK BE Holding ApS ("DTK").

[Læs mere](#)

Dato: 1/05/2025



Nyt fra Konkurrencerådet

Intet nyt.

Nyt fra Konkurrenceankenævnet

Intet nyt.

Nyt fra domstolene

Civilretlige afgørelser

Intet nyt.

Straffesager

Intet nyt.

Lovforslag i høring

Intet nyt.

Ny lovgivning

Intet nyt.

Nyt fra Ankestyrelsen

Støtte til festivalen Musik i Lejet

Ankestyrelsen havde modtaget flere henvendelser om Gribskov Kommunes støtte til festivalen Musik i Lejet. På baggrund af en udtalelse fra Gribskov Kommune fandt Ankestyrelsen ikke anledning til at foretage yderligere.

Ankestyrelsen lagde bl.a. vægt på Gribskov Kommunes oplysninger om, at kommunen ikke siden 2017 havde ydet økonomisk støtte til foreningen Musik i Lejet, og at kommunen ikke i strid med reglerne havde undladt at kræve leje for brug af vejareal.

[Læs mere](#)

Dato: 28/04/2025

Andet

Intet nyt.



2 | EUROPÆISK OG INTERNATIONAL RET

Nyt fra Kommissionen

Antitrust & Cartels

Commission seeks feedback on commitments offered by Microsoft over possible anticompetitive practices related to Teams

The European Commission invites comments on commitments offered by Microsoft to address competition concerns over tying its communication and collaboration product Teams to its popular productivity applications included in its suites for businesses Office 365 and Microsoft 365, such as Microsoft Word and Microsoft Outlook.

Under the proposed commitments, Microsoft would (i) make available versions of these suites without Teams and at a reduced price; (ii) allow customers to switch to suites without Teams, including in the framework of existing contracts; (iii) offer Teams' competitors increased interoperability with other Microsoft products; and (iv) allow customers to move their data out of Teams to facilitate the use of competing solutions. Interested parties are invited to submit their views on Microsoft's proposed commitments.

[Læs mere](#)

Dato: 16/05/2025

Mergers

Commission seeks feedback on the review of EU merger guidelines

The European Commission has launched today a public consultation to seek feedback on its ongoing review of the EU merger guidelines. The merger guidelines describe the framework that the Commission applies when assessing the competitive impact of mergers on markets. The review process will focus on how the Commission's assessment should give adequate weight to innovation, efficiency, resilience, the time horizons and investment intensity of competition in certain strategic sectors, sustainability, the changed defence and security environment and other acute transformational needs of our times.

Any interested citizen, business or association can contribute by replying to the general public consultation questionnaire available.

[Læs mere](#)

Dato: 08/05/2025

State Aid

Commission approves €1.2 billion Dutch State aid scheme to support industrial decarbonization

The European Commission has approved, under EU State aid rules, a €1.2 billion Dutch scheme ('NIKI') to support companies in their efforts to reduce lifecycle greenhouse gas ('GHG') emissions. Lifecycle emissions are the overall emissions that are attributable to a product (or service) from raw material extraction and processing, to manufacturing of the product, transportation, and end-of-life management. The aid will be granted to those projects that overall provide the largest environmental benefit for the lowest cost to the taxpayer, looking at the entire product's lifecycle.

The NIKI scheme for the first time introduces competition between direct decarbonisation projects and resource efficiency and circularity projects in a State aid measure. Direct decarbonisation projects achieve emission reductions primarily by decarbonising the production processes, whereas resource efficiency and circularity projects achieve reductions primarily by using secondary or bio-based raw materials instead of primary or fossil-based raw materials. The scheme aims to contribute to the Netherlands' decarbonisation objectives, in line with the Political Guidelines of the European Commission for 2024-2029, which also call for a more circular and resilient economy.

[Læs mere](#)

Dato: 20/05/2025

**Commission amends State aid rules to provide public access to justice in environmental matters**

The European Commission has adopted today amendments to its State aid rules to provide public access to justice in environmental matters in relation to EU State aid decisions. For that purpose, the Commission revised rules which allow non-governmental organisations ('NGOs') to request a Commission review of certain State aid decisions to establish whether they contravene EU environmental law. This new review mechanism addresses the Aarhus Convention Compliance Committee's findings in case ACCC/C/2015/128.

The Commission has also taken the opportunity of this revision to update other provisions in the State aid Implementing Regulation (EC) No 794/2004 and the State aid Best Practices Code ('BPC') in accordance with the Commission's established practice and the Court of Justice of the EU's case law.

[Læs mere](#)

Dato: 12/05/2025

Commission approves €5 billion French scheme to facilitate the export of wines and spirits to the US

The European Commission has approved, under EU State aid rules, a €5 billion French re-insurance scheme for export credit to the United States ('US'). The scheme will be in place from 8 May 2025 to 8 July 2025 and will allow exporters of wines and spirits to export inventory to the US, prior to the announced new wave of tariffs going into effect.

[Læs mere](#)

Dato: 8/05/2025

Andet**Commission organises DMA compliance workshops with Alphabet, Amazon, Apple, ByteDance, Meta and Microsoft**

As this was already the case in March 2024, the Commission will again hold technical workshops with interested third parties to receive their views on specific issues and questions that may arise in relation to the measures that Alphabet, Amazon, Apple, ByteDance, Meta and Microsoft have put in place to ensure effective compliance of their core platforms services with the DMA. These workshops will focus on the compliance measures outlined in the latest compliance reports, submitted in March 2025, with a particular focus on the changes that have taken place since March 2024.

[Læs mere](#)

Dato: 13/05/2025

Nyt fra EU-domstolen**Domme****[C-581/23](#) - Beevers Kaas**

Nødgleord

» Præjudiciel forelæggelse – konkurrence – karteller – forbud – vertikale aftaler – artikel 101, stk. 3, TEUF – forordning (EU) nr. 330/2010 – gruppefritagelse – artikel 4, litra b), nr. i) – alvorlig konkurrencebegrænsning, der fjerner fordelene ved denne fritagelse – undtagelse – eneforhandlingsaftaler – begrænsning af aktivt salg ind i et eksklusivområde – begrebet »aftale« – overensstemmelse mellem leverandørens og køberens vilje – bevis – eksklusivområde tildelt en køber – fravær af andre køberes aktive salg ind i dette område «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 4, litra b), nr. i), i Kommissionens forordning (EU) nr. 330/2010 af 20. april 2010 om anvendelse af artikel 101, stk. 3, [TEUF] på kategorier af vertikale aftaler og samordnet praksis (EUT 2010, L 102, s. 1).

Anmodningen er blevet fremsat i forbindelse med en tvist mellem på den ene side Beevers Kaas BV og på den anden side Albert Heijn België NV, Koninklijke Ahold Delhaize NV, Albert Heijn BV og Ahold België BV (herefter samlet »Albert Heijn-selskaberne«) vedrørende disse sidstnævnte selskabers overtrædelse af en eksklusiv distributionsaftale mellem Beevers Kaas og B.A. Coöperatieve Zuivelonderneming Cono (herefter »Cono«) om distribution af Beemster-osten i Belgien og Luxembourg (herefter »den i hovedsagen omhandlede eksklusive distributionsaftale«).



Dom:

Artikel 4, litra b), nr. i), i Kommissionens forordning (EU) nr. 330/2010 af 20. april 2010 om anvendelse af artikel 101, stk. 3, [TEUF] på kategorier af vertikale aftaler og samordnet praksis skal fortolkes således, at når en leverandør har tildelt en af sine købere et eksklusivområde, er den blotte konstatering af, at denne leverandørs andre købere ikke foretager aktivt salg ind i dette område, ikke tilstrækkelig til at godtgøre, at der foreligger en aftale mellem nævnte leverandør og disse andre købere vedrørende et forbud mod aktivt salg ind i det nævnte område med henblik på anvendelsen af denne bestemmelse. 2) Artikel 4, litra b), nr. i), i forordning nr. 330/2010 skal fortolkes således, at undtagelsen i denne bestemmelse indrømmes for den periode, for hvilken det er godtgjort, at der foreligger et samtykke fra en leverandørs købere til dennes opfordring til ikke at foretage aktivt salg ind i det eksklusivområde, der er tildelt en anden køber.

[Læs mere](#)

Dato 08/05/2025

Forslag til afgørelse

[C-581/23](#) - Beevers Kaas

Nøgleord:

Præjudiciel forelæggelse – konkurrence – aftaler, vedtagelser og samordnet praksis – artikel 101, stk. 3, TEUF – vertikale aftaler – forordning (EU) nr. 330/2010 – fritagelse – artikel 4, litra b), nr. i) – alvorlige konkurrencebegrænsninger – undtagelser – eksklusive distributionsaftaler – betingelser – forbud mod aktivt salg i det eksklusivt tildelte område – betingelsen om parallel pålæggelse – begrebet »aftale« – bevis for en samstemmende vilje mellem leverandøren og dennes købere – fravær af øvrige køberes aktive salg i det eksklusivt tildelte område, der er tildelt eksklusivforhandleren) «

Tvist:

Den foreliggende anmodning om præjudiciel afgørelse indgivet af hof van beroep te Antwerpen (appeldomstolen i Antwerpen, Belgien) vedrører fortolkningen af artikel 4, litra b), nr. i), i Kommissionens forordning (EU) nr. 330/2010 (også kendt som den vertikale gruppefritagelsesforordning) (2). Anmodningen er blevet fremsat i forbindelse med en tvist mellem på den ene side Beevers Kaas BV og på den anden side Albert Heijn België NV, Koninklijke Ahold Delhaize NV, Albert Heijn BV og Ahold België BV (herefter samlet »Albert Heijn-selskaberne«). Sagen vedrører sidstnævntes påståede overtrædelse af en eksklusiv distributionsaftale mellem Beevers Kaas og B.A. Coöperatieve Zuivelonderneming Cono (andelsmejeri, herefter »Cono«) om distribution af den velkendte Beemster-ost (3) i Belgien og Luxembourg.

Forslag til afgørelse:

1) Artikel 4, litra b), nr. i), i Kommissionens forordning (EU) nr. 330/2010 af 20. april 2010 om anvendelse af artikel 101, stk. 3, i traktaten om Den Europæiske Unions funktionsmåde på kategorier af vertikale aftaler og samordnet praksis skal fortolkes således, at betingelsen om parallel pålæggelse udgør en integreret del af denne artikel, og den blotte konstatering af, at andre købere ikke foretager aktive salg i det område, der eksklusivt er tildelt en bestemt køber, er ikke tilstrækkelig til at fastslå, at der foreligger en aftale mellem en leverandør og dennes købere vedrørende et forbud mod aktivt salg i dette område. For at det kan fastslås, at der foreligger en sådan aftale, er det nødvendigt dels, at leverandøren udtrykkeligt eller stiltiende har opfordret disse andre købere til at optræde på markedet på en bestemt, klart defineret måde, dvs. til ikke at foretage aktive salg i eksklusivområdet, dels at køberne i det mindste stiltiende har givet udtryk for deres vilje til at acceptere dette forbud, hvilket skal fastslås på grundlag af sammenfaldende omstændigheder eller indicier.

2) Artikel 4, litra b), nr. i), i forordning nr. 330/2010 skal fortolkes således, at når en leverandør eksklusivt har tildelt et område til en bestemt køber, er det med henblik på anvendelsen af denne bestemmelse ikke tilstrækkeligt, at leverandøren kun kan påvise, at dennes andre købere samtykker i begrænsningen af aktivt salg i det eksklusivt tildelte område, når og hvis disse købere står over for at foretage aktivt salg i dette område. Med henblik på anvendelsen af denne bestemmelse skal leverandøren derimod påvise, at betingelsen om parallel pålæggelse er opfyldt i forhold til alle leverandørens øvrige købere inden for Det Europæiske Økonomiske Samarbejdsområde i hele den periode, inden for hvilken denne gør krav på gruppefritagelse i henhold til forordning nr. 330/2010.«

[Læs mere](#)

Dato: 09/01/2025

**Kendelse**

Intet nyt.

Andet nyt fra EU-domstolen

Intet nyt.

Andet internationalt nyt**Closed call for evidence Review of merger remedies approach**

The CMA helps people, businesses and the UK economy by promoting competitive markets and tackling unfair behaviour. Ensuring effective competition will drive greater innovation, investment and growth, which in turn, will deliver sustained and long-term benefits across the UK economy. The CMA's merger control function is part of its general duty to seek to promote competition for the benefit of consumers. We're launching a review of our approach to merger remedies and inviting your views.

[Læs mere](#)

Dato: 29/05/2025

Microsoft's Business Practices in the Cloud: A Competitive Analysis

Independent analysis by Dr Aleksandra Boutin and Dr Xavier Boutin identifies Microsoft's tactics that foreclose competitors and harm innovation, despite recent settlements. Findings are a "call to action" for regulators to end deliberate suppression of competition and long-term harm to customers in the European cloud markets. Cloud computing is a key component of the digital sector. It is the underlying technology for the development and provision of modern digital products and services that are essential to the daily lives of people and businesses. However, the future development of the cloud is currently threatened by Microsoft, which leverages its super-dominant position in enterprise software to protect it and, at the same time, expand it into new markets.

[Læs mere](#)

Dato: 05/2025

Nya föreskrifter och allmänna råd om anmälan om företagskoncentration

Konkurrensverket har beslutat om nya föreskrifter och allmänna råd om anmälan om företagskoncentration enligt konkurrenslagen. De nya föreskrifterna ersätter Konkurrensverkets tidigare föreskrifter och träder i kraft den 26 maj 2025. Syftet med de nya föreskrifterna är att effektivisera prövningen av företagskoncentrationer som anmäls till Konkurrensverket. De nya allmänna råden rör i korthet hur anmälan om företagskoncentration bör utformas och hur förhandskontakter ska hanteras i samband med en koncentrationsanmälan.

[Læs mere](#)

Dato: 28/05/2025

Investigation into suspected anti-competitive conduct by Vifor Pharma in relation to intravenous iron treatments

On 31 January 2024, the CMA launched an investigation under Chapter II of the Competition Act 1998 into a suspected breach of competition law by Vifor Pharma, relating to concerns that Vifor Pharma may have misleadingly disparaged a competing iron treatment, Monofer, by making misleading claims about the safety of Monofer and Vifor Pharma's own product, Ferinject, which were designed to hinder competition from a rival product and promote Ferinject. Monofer and Ferinject are iron treatments used to intravenously treat iron deficiency and iron deficiency anaemia.

[Læs mere](#)

Dato: 23/05/2025



3 | LITTERATUR (DK)

Artikler fra UfR

Intet nyt.

Nye publikationer fra Erhvervsministeriet

Nu kan kommuner søge om millionboost til udvikling af bymidter

Mange danske bymidter er udfordrede. Nethandel og stigende fraflytning fra landdistrikterne til større byer udgør en betydelig trussel for de lokale erhvervsdrivende og dermed også det lokale fællesskab. For at sætte skub i udviklingen af lokale, danske bymidter nedsatte regeringen sidste år et udvalg for bæredygtig udvikling af bymidter, som fik til opgave at udmønte 142 mio. kr., der skal forstærke landets bymidter og lokale fællesskaber. I april udmøntede udvalget ca. 50 mio. kr., og nu åbner ansøgningsrunden til de resterende 92 mio. kr. i puljen. Dette markerer erhvervsminister Morten Bødskov ved at besøge Hedensted, som i sidste runde fik 5,5 mio. kr.

[Læs mere](#)

Dato: 19/05/2025

Trecifret millionbeløb skal åbne døre til afrikanske markeder

Toldkrige, handelsbarrierer og konflikter. Tiltagende geopolitiske spændinger har fået mange lande til at vende blikket mod Afrika og øge det strategiske fokus på kontinentet.

Derfor er det væsentligt, at også Danmark styrker båndene til de afrikanske lande og skaber stærke strategiske partnerskaber.

Netop det er målet med en ny Afrika-facilitet, der etableres i regi af Danmarks Eksport- og Investeringsfond (EIFO), som i dag åbner for ansøgninger. Her afsætter regeringen 150 mio. kr., som skal understøtte dansk engagement med de afrikanske lande og målrettede projekter med dansk eksportindhold.

Det trecifrede millionbeløb giver mulighed for risikovillig eksportfinansiering i Afrika på projekter, som ellers ikke ville kunne få investeringer på grund af for høj risiko. Indsatsen vurderes at kunne muliggøre projekter for op mod 500 mio. kr.

[Læs mere](#)

Dato: 16/05/2025

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.

Konkurrenceretlige emner

Intet nyt.

Konkurrenceretlig nyhedsoversigt dækker dansk, EU og international konkurrenceret og statsstøtteren Tilmeld dig nyhedsbrevet via formularen på [CEO's hjemmeside](#)



Anden dansk og nordisk litteratur

Kapitel III af Dansk Økonomi: Fusioner, konkurrence og produktivitet

Stærk konkurrence er vigtig for at sikre langsigtet produktivitetsvækst og velstand i samfundet. Der er imidlertid tegn på, at konkurrencen i Danmark er svækket over tid. Dette kapitel undersøger på denne baggrund, hvordan virksomhedsfusioner har påvirket konkurrenceforhold og virksomhedernes effektivitet i Danmark i perioden 2001-20. Der har været ca. 6.500 fusioner mellem danske virksomheder i perioden, og virksomheder, som har fusioneret mindst en gang i perioden, udgjorde ca. 20 pct. af omsætningen og antal ansatte i private byerhverv i 2020.

[Læs mere](#)

Dato: 05/2025



4 | LITTERATUR (UK)

Artikler fra European Competition Law Review

Volume 46, issue: 6, 2025:

How China assesses innovation in horizontal mergers and the way forward in the digital economy

Abstract: Examines the Chinese competition authorities' approach to the assessment of horizontal mergers, from an innovation perspective, and considers how they will address the enforcement challenges of digital "killer acquisitions" within the existing regime to maintain an innovation-friendly environment.

Proposed revisions to the Swiss Cartel Act: opportunities and risks

Abstract: Examines proposed amendments to the Swiss Federal Act on Cartels and other Restraints of Competition to align it with EU law, including those concerning merger control and regulation of unlawful agreements affecting competition. Details the potential risks, including loopholes in cartel enforcement.

Framework for identification of complementary overlaps in mergers

Abstract: Suggests, with particular reference to Indian law, a potential framework for identifying complementary overlaps in merger control, involving features such as the ability of products or services to combine with value enhancement, and a lack of supply-side sustainability.

Austria: mergers - judgment (Case Comment)

Abstract: Notes an Austrian Supreme Cartel Court decision to increase from EUR 1.5 million to 70 million the fine imposed on REWE International AG for implementing a merger without prior notification and approval, highlighting relevant factors and the impact on the Austrian business environment.

Belgium: competition policy - strengthening competition

Abstract: Notes the publication of the Belgian Government Agreement for 2025-2029 on the future of competition law, including key aspects of its commitment to strengthening competition, increasing subsidy transparency and safeguarding technological expertise in strategic sectors.

Canada: competition - international policy

Abstract: Notes the February 2025 memorandum of understanding signed by the Chief Executive of the UK Competition and Markets Authority and the Canadian Commissioner of Competition to strengthen co-operation between them. Details the issues on which it is expected information exchanges will take place.

Czech Republic: anti-competitive practices - infringement (Case Comment)

Abstract: Notes the Czech Competition Office decision in Hajek Pet Food sro, fining a pet food importer and wholesaler CZK 3.496.000, approximately EUR 140,000, reduced in light of significant co-operation, for requiring its distributors to maintain fixed prices.

European Union: anti-competitive practices - judgment - abuse of dominance (Case Comment)

Abstract: Notes Alphabet Inc v Autorita Garante della Concorrenza e del Mercato (C-233/23) (ECJ) on whether refusal to create an operational template allowing a vehicle charging app to be accessed on vehicle screens was an abuse of dominance, as a significant development of the essential facilities doctrine.

Finland: competition - legislative proposal

Abstract: Notes a Finnish proposal to reform the country's gambling system by ending the monopoly over betting, online slot machines and casino games currently held by the state-owned company Veikkaus Oy, and opening the market to competition. Details key features of the proposed licensing system.

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

Abstract: Notes a Paris Court of Appeal judgment of 22 January 2025 on whether a follow-on action for damages was time-barred, considering the operation of the provision for suspension of the limitation period pending a definitive ruling on appeal against the initial finding of a competition law breach.

**Hong Kong: anti-competitive practices - criminal prosecution (Case Comment)**

Abstract: Notes the first criminal prosecution brought under Hong Kong's Competition Ordinance and resulting in the imposition of a two-month term of imprisonment on a clerk who attempted to delete electronic records during a dawn raid to investigate allegations of bid-rigging by a cleansing services company.

Malta: mergers - merger control (Case Comment)

Abstract: Notes the Maltese Office for Competition ruling in Regnology Germany GmbH / Fingo SP Zoo, unconditionally approving, by the simplified procedure, an acquisition in the reporting software sector by share purchase agreement.

Portugal: anti-competitive practices - infringement (Case Comment)

Abstract: Notes the Portuguese Competition Authority ruling in Inetum Group, imposing fines of over EUR 3 million on three companies in a multinational technology consulting group for use of no-poaching agreements in the labour market for at least seven years. Details sanctions imposed on other companies.

Portugal: mergers - merger control (Case Comment)

Abstract: Notes the Portuguese Competition Authority ruling in Sotagus - Terminal de Contentores de Santa Apolonia SA / Yilport Iberia SA / GS Maritima Lda clearing a proposed joint acquisition in the port and maritime transport sector following commitments by the parties. Highlights the competition concerns.

South Africa: merger - merger control

Abstract: Notes the South African Competition Commission's January 2025 publication of draft Guidelines on Internal Restructuring, and key features of their approach to the merger notification requirements for such transactions. Highlights how their position differs from many jurisdictions, including the EU.

Spain: competition - investigation (Case Comment)

Abstract: Notes the Spanish Competition and Markets Commission decision in Avatel Telecom SA to impose a fine of EUR 1,086,000 for acknowledged failures in responding to the Commission's requests for information needed to fulfil its telecommunications and audiovisual sector monitoring and reporting functions.

Turkiye: anti-competitive practices - decision (Case Comment)

Abstract: Notes the Turkish Competition Board decision in D-Market Elektronik Hizmetler ve Ticaret AS, accepting commitments by the operator of an online marketplace in response to competition concerns over its use of an automated pricing mechanism. Analyses the relevant system and competition concerns.

Artikler fra European Competition Journal

Intet nyt.

Artikler fra Journal of Competition Law and Economics

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Artikler fra Journal of Antitrust Enforcement

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Artikler fra Journal of European Competition Law and Practice

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Artikler fra World Competition

Volume 48, issue: 1, 2025:

The Credibility of the DMA's Compliance Reports

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

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 FRANDT?! Understanding the Regulation of Pricing Power in the Single Market for ESG Ratings

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

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.

Artikler fra Antitrust Law Journal

Intet nyt.

Artikler fra Antitrust Bulletin

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Artikler fra Competition Law and Policy Debate

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Artikler fra Competition Law Scholars Forum

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Artikler fra Journal of Regulatory Economics

Intet nyt.

Artikler fra International Review of Law and Economics

Volume 82, Issue: 1, juli 2025:

Did recreational marijuana legalization increase crime in the long run?

This study comprehensively examines the long-term effects of state-level recreational marijuana legalization on crime rates by employing a difference-in-differences with multiple time periods methodology. The findings of this study do not yield conclusive evidence supporting a reduction in crime rates after legalizing recreational marijuana. Rather, they underscore notable positive associations with property crimes and suggest potential correlations with violent crimes, highlighting the critical need for continued research to help policymakers better understand the complex implications of cannabis policy and develop more nuanced, evidence-based approaches. Robustness checks, including synthetic control method and sensitivity analyses, confirm the reliability of these results.

When do governments attack the judiciary? The explanatory power of political corruption

In recent decades, the world has witnessed various examples of elected governments verbally attacking the judiciary, accusing judges of bias, or claiming that court decisions are politically motivated. Despite the prevalence of such court-curbing practices, we know very little about when exactly governments decide to verbally attack the judiciary. Focusing on the effect of political corruption, the objective of this study is to understand 1) whether and, if so, how corruption affects governments' attacks on the judiciary and 2) whether and, if so, how its effect changes across different political contexts. We argue that in countries with fully or partially independent media, verbal attacks on the judiciary would increase with the level of corruption. However, in regimes where the media is not independent, political corruption would not have a significant effect on attacks on the judiciary. We conduct a time-series cross-sectional analysis across 165 countries (1991–2022) to test our hypotheses. The empirical results support our hypotheses. To better understand the causal mechanisms through which corruption and media independence together trigger governments' verbal attacks on the judiciary, we compare the cases of Argentina, Brazil, and Venezuela in the second part of the study.

Balancing power and performance: The role of managerial rent in competitive advantage

We study whether managerial power enhances the firm's competitive advantage (excess asset return). We find a positive impact of managerial power on excess asset return and management compensation, consistent with the managerial rent model. However, excess asset return (long-term performance) and management compensation increase at a decreasing rate with an increase in managerial power. We derive a novel measure of managerial power. Managerial power is positively associated with the firm's shadow options and firm-specific risk. The managerial rent model strengthens managerial power theory in that managerial power enables managers to extract a share of the firm surplus, which in turn motivates managers to generate a firm surplus, suggesting a positive relationship between managerial power and firm performance. The excess asset return generated is shared between the shareholders and managers, resulting in an above-normal pay for management. However, we find that high managerial power reduces the positive impact of management compensation on the firm performance.

(Not) Canceling out the cross-section: Mitigating the effect of peremptory challenges on jury selection

The Sixth Amendment to the U.S. Constitution guarantees a criminal defendant the right to an impartial jury. According to current precedent, this requires individual jurors to be unbiased and the jury to have a fair possibility of being a representative cross-section of the community. I show that current selection procedures systematically exclude certain types of jurors, making it impossible to achieve a representative cross-section. I argue that this violates the requirements for an impartial jury, and I propose an alternative jury selection procedure that is incentive compatible and eliminates the distortion created by the current system. The new procedure also reduces the variance of the seated jury relative to a random selection, when measuring variance by distance to the median jury, which makes the application of justice less arbitrary. Data from Mississippi and Louisiana are analyzed to illustrate the results.

**Corporate control: Persistence and the shifting role of control-enhancing mechanisms in Italian listed firms (1978–2018)**

This paper analyses the evolution of ownership and control of non-financial listed firms in Italy from 1978 to 2018. Corporate control is persistent in the Italian stock market, and this is a constant trait across time periods. Instead, ownership has changed over time. The use of control-enhancing mechanisms and, relatedly, the wedge has followed an irregular path. Legal and market conditions significantly influence how controlling shareholders structure their ownership and control over time. Family capitalism remains pervasive.

Can independent directors effectively monitor related party transactions? Evidence from Hong Kong

This paper empirically investigates whether independent directors of Hong Kong listed companies effectively monitor related party transactions ("RPTs"). We employ a quasi-experimental approach, utilizing a mandatory rule introduced in 2004 that changed the minimum number of independent directors, and enhanced the independence and qualification requirements of independent directors for listed companies. Using a triple-differences setup, we find that companies affected by these new requirements experienced a significant increase in the value of announced RPTs. This positive effect is observed both in companies affected by all aspects of the reform and in those that only needed to increase their number of independent directors. We also observe that return on assets for the affected companies increased significantly following the rule change. However, these affected companies showed no significant reduction in their preference for RPTs. Our findings underscore the positive value created by independent directors of Hong Kong listed companies in vetting RPTs. They suggest that, within an appropriately structured regulatory framework, independent directors, even where the company is owner-controlled, can be effective in enhancing shareholder value. As the regulatory framework resulted from the 2004 reform has remained largely unchanged, our findings are still relevant for Hong Kong and offer valuable insights on the function of independent directors for other jurisdictions, particularly those with ownership-concentrated markets seeking to enhance their RPT monitoring mechanisms.

News flow as a determinant of the voting premium of dual-class shares

This article investigates the voting premium between two simultaneously traded classes of shares. We use a sample of dual-class firms listed in the U.S. and Canada for the 2012–2022 period to identify the determinants of the size of the voting premium. We do not confirm the results documented in the literature that the relative illiquidity between the two classes may explain the voting premium. The empirical tests also support the leverage effect hypothesis, a new feature in the literature. The empirical analysis also shows volatile voting premiums. We demonstrate that the voting premiums are not linked to the positive or negative sentiments attached to the disclosed information. This article contributes to the literature by showing that this instability is related to the magnitude of the news flow brought to the market about the controlling ownership's change and the strategic shareholders' behavior.

Reinforcing data protection and competition through art. 6(2) of the Digital Markets Act

With the Digital Markets Act (DMA) the European Union has taken significant steps in the regulation of large digital market ecosystems. Data protection and competition law are becoming increasingly intertwined, and the DMA's goals are tightly aligned with them. However, the provision explicitly intended to address the use (and cross-use) of data within gatekeepers' ecosystems leaves much to be desired. Art. 5(2) DMA offers no substantive new obligations over the established GDPR system, especially in light of the ECJ's judgement in *Meta v. Bundeskartellamt*. Furthermore, the consent exception on which it relies leaves a distinct risk of anti-competitive effects and decreasing privacy as a result of information asymmetries and the powerful market position of gatekeepers. However, art. 6(2) DMA also restricts gatekeepers' ability to use data, if it was received through gatekeepers' business users. The protective value of the DMA can be significantly increased if the European Commission adopts broad interpretations of when data is used "in competition with business users", when it is "collected through commercial activities of business users or their customers" and when it is obtained "on the relevant core platform services or on services provided together with, or in support of, the relevant core platform services of the gatekeeper". Doing so would conform to the interconnected nature of ecosystems' data collection practices and their competitive position, and it would bolster the Commission's ability to act against both the anti-competitive effects and potential privacy infringements of data pooling, above and beyond what art. 5(2) DMA offers.

Ex-ante versus Ex-post in competition law enforcement: Blurred boundaries and economic rationale

This paper explores the evolving landscape of competition law enforcement, focusing on the dynamic interplay between ex-ante and ex-post approaches. Amidst the digital transformation and regulatory shifts, traditional enforcement mechanisms are being re-evaluated. This study aims to dissect the economic rationale behind these shifts, proposing a hybrid framework that balances legal certainty with the flexibility needed to address contemporary market challenges. In particular, the analysis highlights the emergence of new competition policy approaches that combine regulatory-type interventions with strengthened enforcement strategies.



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: 4, 2025:

AI series - content, AI and ethics - Part 3

Abstract: This, the third article of a multi-part series on the intellectual property implications of artificial intelligence, reviews ethical copyright exceptions to balance rights of content creators with allowing sufficient access to foster innovation. (See C.T.L.R. 2025, 31(3), 75-77 for Pt 2 of this article).

European Commission adopts first set of implementing rules on cybersecurity of critical entities and networks under the NIS2 Directive

Abstract: Discusses the Commission's November 2024 adoption of implementing rules on the cybersecurity of critical entities and networks under Directive 2022/2555. Reviews the background to the measures, and their approach to cybersecurity risk management and what constitute notifiable incidents.

Taxing times for data controllers as High Court tells HMRC to broaden its approach to personal data and to subject access requests

Abstract: Discusses *Ashley v Revenue and Customs Commissioners* (KBD), giving guidance, in the context of an HMRC tax enquiry, on what constitutes "personal data" under Regulation 2016/679 (GDPR) art.4, and clarifying the scope of a data controller's responsibilities in respect of subject access requests.

Split Court of Appeal ruling on whether exclusion of liability for "anticipated profits" in telecoms supply contract encompassed loss of revenue arising from breach of key exclusivity provision (Case Comment)

Abstract: Discusses *EE Ltd v Virgin Mobile Telecoms Ltd* (CA) on whether the damages claimed for breach of a telecommunications supply agreement's exclusivity obligation were "anticipated profits", and therefore excluded by a clause in the contract. Notes the dissenting judgment, and the case's implications.

Aligning liability rules with the digital age and circular economy: the revised EU Product Liability Directive

Abstract: Reviews key features of the EU's revised product liability regime under Directive 2024/2853, including its alleviated burden of proof, and considers whether it addresses the shortcomings of the previous framework and adapts it to the demands of the circular economy and the digital age.

EC computing, telecommunications and related measures

Abstract: 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

Abstract: 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.

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Begivenhed på CBS: The Digital Markets Act: Two Years Later – Where Do We Stand?

CBS invites all interested parties, on the 2nd anniversary of the Digital Markets Act, to an in-depth look at the role and legal framework of DMA as well as the challenges associated with DMA compliance and national enforcement. The event will feature Professor MSO, Andrej Savin, Dr. Alba Ribera Martínez from University Villanueva. Dr. Elisa Maria Faustinelli, Special Advisor at the Danish Competition and Consumer Authority and Marie Gjørtler Mouritzen, Seconded National Expert to the European Commission.

You can register to attend - whether in person or online – [here](#).

Deadline: 06/06/2025

Civile bøder i konkurrenceretten

Lektor Anders Schäfer har en artikel i UfR (U.2025B.77) om civile bøder i konkurrenceretten. Artiklen angår civile bøder i konkurrenceretten. Civile bøder er et nyt sanktionsmiddel i dansk ret, og i artiklen gennemgås baggrunden for indførelsen heraf og der redegøres for, hvordan civile bøder adskiller sig fra strafferetlige bøder. Afslutningsvis drøftes om civile bøder kan forventes udbredt til andre retsområder – eksempelvis GDPR – med henblik på en mere effektiv gennemførelse af EU-retten.

[Læs mere](#)

Dato: 05/2025