Konkurrenceretlig Nyhedsoversigt nr. 103 / dækkende 2. juni 2025 – 6. juli 2025

Indhold

1 | DANSK RET

Nyt fra Konkurrence- og Forbrugerstyrelsen

Godkendelse på baggrund af en forenklet sagsbehandling af etableringen af et selvstændigt fungerende joint venture mellem Eurowind Energy A/S og Wind Estate A/S
Konkurrence- og Forbrugerstyrelsen modtog den 30. juni 2025 en forenklet anmeldelse af Eurowind Energy A/S' ("EWE") og Wind Estate A/S' ("WE") etablering af et selvstændigt fungerende joint venture, K/S Blue Wind Holding ("JV").
Læs mere
Dato: 02/07/2025

Godkendelse på baggrund af en forenklet sagsbehandling af American Industrial Partners' erhvervelse af enekontrol over Enviva, LLC
Konkurrence- og Forbrugerstyrelsen modtog den 24. juni 2025 en forenklet anmeldelse af fusion mellem American Industrial Partners Capital Fund VIII ("AIP") og Enviva, LLC ("Enviva").
Læs mere
Dato: 26/06/2025

Godkendelse af Triton Container Internationals erhvervelse af enekontrol over Global Container International
Konkurrence- og Forbrugerstyrelsen modtog den 16. maj 2025 en anmeldelse af en fusion mellem Triton Container International Limited ("Triton") og Global Container International Holdings LLC ("GCI").
Læs mere
Dato: 16/06/2025

Godkendelse på baggrund af en forenklet sagsbehandling af en fusion mellem Fynske Bank og Nordfyns Bank
Konkurrence- og Forbrugerstyrelsen modtog den 28. maj 2025 en forenklet anmeldelse af en fusion mellem Fynske Bank A/S ("Fynske Bank") og Aktieselskabet Nordfyns Bank ("Nordfyns Bank").
Læs mere
Dato: 04/06/2025

Godkendelse på baggrund af en forenklet sagsbehandling af Nielsen Car Group Holding ApS' erhvervelse af BIN2BIL A/S
Konkurrence- og Forbrugerstyrelsen modtog den 22. april 2025 en forenklet anmeldelse af en fusion mellem Nielsen Car Group Holding ApS og BIN2BIL A/S.
Læs mere
Dato: 04/06/2025

Nyt fra Konkurrencerådet

Øresundslinjens overtrædelse af bindende tilsagn om videresalg af billetter
Øresundslinjen Helsingør ApS har forhindret fragtkunder i at videresælge færgebilletter. Dermed har Øresundslinjen overtrådt det bindende tilsagn, som blev givet til Konkurrencerådet i 2010. Konkurrencerådet har besluttet at sagen skal indbringes for Sø- og Handelsretten med henblik på en civil bøde.
Læs mere
Dato: 25/06/2025

Konkurrencerådet indleder efterforskning af forsikringsmarkedet
Konkurrencerådet har indledt en markedsefterforskning af markedet for skadesforsikringer til private. Erhvervsminister Morten Bødskov kalder efterforskningen et vigtigt skridt hen mod sundere konkurrence på forsikringsmarkedet.
Tilbage i april offentliggjorde Konkurrencerådet sin rapport om konkurrencen på skadesforsikringsmarkedet til private. Rapporten konkluderede bl.a., at konkurrencen er udfordret, og at nogle af de mere ressourcebegrænsede kunder, som f.eks. kontanthjælpsmodtagere, borgere uden for arbejdsstyrken og dem med de korteste uddannelser, betaler mere for

deres forsikringer. På baggrund af rapporten indleder Konkurrencerådet nu en såkaldt markedsefterforskning af sektoren for skadesforsikringer.
Læs mere
Dato: 25/06/2025

Nyt fra Konkurrenceankenævnet

Kendelse af 4. juni 2025 – klager mod Konkurrence- og Forbrugerstyrelsen
Konkurrenceankenævnet har stadfæstet Konkurrence- og Forbrugerstyrelsens afgørelse om afslag på partsaktindsigt, egenacces og meroffentlighed i dokumenter vedrørende konkurrenceforhold, statslige tilskud og markedsdominans i relation til bl.a. DR og TV 2.
Læs mere
Dato: 04/06/2025

Nyt fra domstolene

Civilretlige afgørelser

Højesteret: ØnskeBørn A/S under konkurs mod Konkurrence- og Forbrugerstyrelsen (out of scope)
Højesteret har givet Konkurrence- og Forbrugerstyrelsen medhold i en formel sag om en kontrolundersøgelse. Sagen vedrører indhentningen af beviser til en konkurrencesag, hvor Konkurrencerådet efterfølgende har afgjort, at Ønskebørn ulovligt har koordineret priser blandt butikskædens medlemmer.
Læs mere
Dato: 13/06/2025

Straffesager

Komiteen til bevarelse af Mindesmærker på Himmelbjerget – bødefritagelse
Uglebodens ejer - Komiteen til bevarelse af Mindesmærker på Himmelbjerget - har opnået bødefritagelse i en sag, hvor virksomheden har deltaget i et kartel med konkurrenten Hotel Himmelbjerget (der ejer Bjergkiosken). Igennem mere end 25 år har kioskerne aftalt at holde sig fra hinandens kunder. Hotel Himmelbjerget får en bøde på 250.000 kroner.
Læs mere
Dato: 14/06/2025

Hotel Himmelbjerget - bøde på 250.000 kr. – markedsdeling
Hotel Himmelbjerget, der ejer Bjergkiosken, får en bøde på 250.000 kroner, fordi Bjergkiosken har deltaget i et kartel med konkurrenten Ugleboden. Igennem mere end 25 år har kioskerne aftalt at holde sig fra hinandens kunder. Uglebodens ejer har opnået bødefritagelse i sagen.
Læs mere
Dato: 13/06/2025

Rema 1000 Danmark A/S - bøde på 40.000 kr. - ukorrekte, ufuldstændige eller vildledende oplysninger
Rema 1000 Danmark betaler 40.000 kroner i bøde for at have afgivet ukorrekte, ufuldstændige eller vildledende oplysninger til Konkurrence- og Forbrugerstyrelsen. Det skete, da selskabet i foråret 2023 anmeldte en fusion, hvor Rema 1000 skulle overtage dele af Aldi Danmark.
Læs mere
Dato: 03/06/2025

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 fines Alchem for participating in a pharmaceutical cartel
The European Commission has fined Alchem International Pvt. Ltd. and its subsidiary Alchem International (H.K.) Limited (together 'Alchem') €489,000 for breaching EU antitrust rules. The Commission has found that, for more than 12 years, Alchem participated in a cartel concerning an important pharmaceutical ingredient.
In October 2023, the Commission adopted a settlement decision and imposed fines totalling €13,4 million against six companies for their participation in the same cartel. Alchem decided not to settle this cartel case with the Commission, unlike the other participants. As a result, and in line with its usual practice, the investigation against Alchem continued under the standard cartel procedure. The Commission sent a Statement of Objections to Alchem in June 2024.
Læs mere
Dato: 04/07/2025

Commission fines Delivery Hero and Glovo €329 million for participation in online food delivery cartel
The Commission has fined Delivery Hero and Glovo, two major food delivery companies, a total of €329 million for participating in a cartel in the online food delivery sector. In particular, the two companies (i) agreed not to poach each other's employees; (ii) exchanged commercially sensitive information; and (iii) allocated geographic markets. The infringement covered the European Economic Area ('EEA') and lasted four years. Cartels like this reduce choice for consumers and business partners, reduce opportunities for employees and reduce incentives to compete and innovate. Both companies admitted their involvement in the cartel and agreed to settle the case. This is the first decision where the Commission finds a cartel in the labour market and the first time it sanctions the anti-competitive use of a minority share in a competing business.
Læs mere
Dato: 02/06/2025

Mergers

Commission opens in-depth investigation into the proposed acquisition of Kellanova by Mars
The European Commission has opened an in-depth investigation to assess, under the EU Merger Regulation, the proposed acquisition of Kellanova by Mars. The Commission has preliminary concerns that the transaction could lead to higher prices for consumers due to Mars' increased negotiating power towards retailers in the European Economic Area ('EEA'). Mars is a global supplier of a large range of popular food brands, including chewing gums, chocolate confectionery, sugar confectionary, rice and pet food. Kellanova (formerly the Kellogg Company) is primarily known in the EEA for its stacked chips sold under the Pringles brand, and its ready-to-eat cereals, sold under the Kellogg's brands.
Læs mere
Dato: 25/06/2025

Commission approves the acquisition of Dorna by Liberty Media without conditions
The European Commission has unconditionally approved the proposed acquisition of Dorna Sports S.L. ('Dorna') by Liberty Media Corporation ('Liberty Media') under the EU Merger Regulation. The Commission concluded that the merger would not raise competition concerns in the European Economic Area ('EEA'). Today's decision follows an in-depth investigation of the proposed transaction. Liberty Media and Dorna are both international media companies. Liberty Media owns interests in a broad range of media, sports and entertainment businesses, including the motorcar competition Formula 1. Dorna is the organiser and holder of the commercial rights for the motorcycle competition FIM World Championship Grand Prix ('MotoGP'). According to Liberty Media, the transaction will allow it to use its experience in media, sports and entertainment, including with Formula 1, to grow the reach and appeal of MotoGP.
Læs mere
Dato: 23/06/2025

Commission approves UniCredit's acquisition of Banco BPM, subject to conditions
The European Commission has approved, under the EU Merger Regulation ('EUMR'), the proposed acquisition of Banco BPM S.p.A ('BPM') by UniCredit S.p.A. ('UniCredit'). Today's approval by the Commission of the merger is conditional upon full compliance with the commitments offered by UniCredit to address the Commission's concerns related to the level of competition in the Italian banking sector. In parallel, the Commission has rejected a request from the Italian competition authority to refer the merger to it for assessment under Italian competition law.
Læs mere
Dato: 19/06/2025

Commission approves unconditionally the acquisition of Intelsat by SES
The European Commission has approved unconditionally, under the EU Merger Regulation, the proposed acquisition of Intelsat Holdings S.à r.l. ('Intelsat') by SES S.A. ('SES'). The Commission concluded that the transaction would not raise competition concerns in the European Economic Area ('EEA'). Both SES and Intelsat are global satellite network operators that own and operate geostationary Earth orbit ('GEO') satellites. While both companies are headquartered in Luxembourg and are active in the EEA, Intelsat's main activities and administrative headquarters are in the United States.
Læs mere
Dato: 10/06/2025

Commission clears creation of defence joint venture by BAES, JAIEC, and Leonardo
The European Commission has approved, under the EU Merger Regulation, the proposed creation of a joint venture ('**JV**') between BAE Systems (Holdings) Limited ('**BAES**'), Japan Aircraft Industrial Enhancement Co. Ltd. ('**JAIEC**'), and Leonardo S.p.A. ('**Leonardo**'). This JV will be the prime contractor and lead systems integrator for the **Global Combat Air Programme**.
Læs mere
Dato: 02/06/2025

State Aid

New State aid framework enables support for clean industry
The European Commission has today adopted a new State aid framework supporting the Clean Industrial Deal (CISAF), to enable Member States to push forward the development of clean energy, industrial decarbonisation and clean technology. The CISAF sets out the conditions under which Member States can grant support for certain investments and objectives in line with EU State aid rules. Under the Framework, the Commission will authorise aid schemes introduced by Member States to boost clean industry, enabling the swift roll-out of individual aid. The CISAF will be in place until 31 December 2030, giving Member States and businesses long-term predictability. The CISAF replaces the Temporary Crisis and Transition Framework (TCTF), which was in place since 2022.
Læs mere
Dato: 25/06/25

Commission considers revision of State aid rules for better access to affordable housing
The European Commission is seeking feedback on a revision of the service of general economic interest ('SGEI') State aid rules to address the issue of housing affordability. Significant investments are needed to bridge the investment gap for affordable housing. State aid measures can contribute to incentivising the necessary investments. Any interested citizen, business, public authority or association can contribute by replying to the call for evidence and/or to the general public consultation questionnaire that were published today. It is possible to contribute until 31 July 2025. The call for

evidence and the public consultation are both available in all of the 24 official EU languages via the 'Have your Say' portal.
Læs mere
Dato: 05/06/2025

Andet

Consultation on the first review of the Digital Markets Act
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-653/23 - TOODE
Nøgleord:

» Præjudiciel forelæggelse – statsstøtte – artikel 107, stk. 1, TEUF – en af Europa-Kommissionen godkendt støtteordning – støtte til økonomien under covid-19-pandemien – den kompetente myndigheds afslag på at tildele en støtte – søgsmål med påstand om, at den ret, ved hvilken der er anlagt et søgsmål, pålægger vedtagelse af en begunstigende forvaltningsakt med virkning ex nunc – fristen for tildeling af støtten er udløbet under retssagen – det tidspunkt, hvor støtten anses for at være ydet – artikel 47 i Den Europæiske Unions charter om grundlæggende rettigheder – ret til en effektiv domstolsprøvelse – forordning (EU) 2015/1589 – artikel 1 – eksisterende støtte «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 107, stk. 1, TEUF og artikel 1, litra b), nr. ii), i Rådets forordning (EU) 2015/1589 af 13. juli 2015 om fastlæggelse af regler for anvendelsen af artikel 108 [TEUF] (EUT 2015, L 248, s. 9). 2 Denne anmodning er blevet indgivet i forbindelse med en tvist mellem »TOODE« SIA og Valsts ieņēmumu dienests (den nationale skatte- og afgiftsmyndighed, Letland) (herefter »skatte- og afgiftsmyndigheden«) vedrørende en afgørelse, hvorved denne myndighed afslog at tildele TOODE en støtte med henblik på at sikre driftskapital til virksomheder, som er påvirket af covid-19-krisen.

Dom:

Artikel 107, stk. 1, TEUF og artikel 47, stk. 1, i Den Europæiske Unions charter om grundlæggende rettigheder skal fortolkes således, at disse bestemmelser er til hinder for en fortolkning af en national lovgivning, som har til virkning, at en individuel støtte, der er omfattet af en af Europa-Kommissionen godkendt national støtteordning, ikke kan anses for at være »ydet« som omhandlet i denne bestemmelse i EUF-traktaten på det tidspunkt, hvor den nationale kompetente myndighed med urette afslog at tildele støtten til en person, der havde anmodet derom inden for den frist, som var fastsat for dens tildeling, når den ulovlige karakter af dette afslag er fastslået ved en retsafgørelse efter udløbet af denne frist. 2) Artikel 1, litra b), nr. ii), i Rådets forordning (EU) 2015/1589 af 13. juli 2015 om fastlæggelse af regler for anvendelsen af artikel 108 [TEUF] skal fortolkes således, at en individuel støtte skal kvalificeres som »eksisterende støtte« som omhandlet i denne bestemmelse, når støtten skal anses for at være tildelt på det tidspunkt, hvor den kompetente myndighed med urette afslog at tildele støtten til en given person, der havde anmodet derom inden for den frist, som var fastsat for dens tildeling, men som herefter udbetales til denne person til gennemførelse af en begunstigende forvaltningsakt, der er vedtaget efter påbud nedlagt ved en retsafgørelse, der fastslår, at afslaget var ulovligt, efter udløbet af denne frist.
Læs mere
Dato: 03/07/2025

[T-489/21] - **Spanien mod Kommissionen (uddrag)**
Nøgleord:

» Statsstøtte – digitalt TV – støtte til implementering af jordsendt digital-TV i fjerntliggende og mindre urbaniserede områder (uden for Castilla-La Mancha) – afgørelse, hvorved støtten erklæres ulovlig og uforenelig med det indre marked – afgørelse om at indlede den formelle undersøgelsesprocedure – artikel 6, stk. 1, i forordning (EU) 2015/1589 – begrebet »støtteordning« – selektivitet – bevisbyrde – teknologineutralitet – fordel – ugrundet berigelse «

Tvist:

Med søgsmål anlagt i henhold til artikel 263 TEUF har Kongeriget Spanien nedlagt påstand om annullation af Kommissionens afgørelse (EU) 2021/2034 af 10. juni 2021 om statsstøtte SA.28599 (C 23/2010) (ex NN 36/2010, ex CP 163/2009) iværksat af Spanien til implementering af jordsendt digital-TV i fjerntliggende og mindre urbaniserede områder (uden for Castilla-La Mancha) (EUT 2021, L 417, s. 1, herefter »den omtvistede afgørelse«).

Dom:

Europa-Kommissionen frifindes, og Kongeriget Spanien bærer sine egne omkostninger og betaler de af Kommissionen afholdte omkostninger.
Læs mere
Dato: 02/07/2025

[C-776/23 P] - **Kommissionen mod Spanien (Participations indirectes)**
Nøgleord:

» Appel – statsstøtte – artikel 108, stk. 3, TEUF – skattesystem – bestemmelser vedrørende selskabsskat, der giver virksomheder, som har skattemæssigt hjemsted i Spanien, mulighed for at afskrive goodwill, der følger af erhvervelser af kapitalandele i virksomheder, som har skattemæssigt hjemsted uden for denne medlemsstat – Europa-Kommissionens afgørelser, hvorved disse bestemmelser som en statsstøtteordning, og støtten anordnes tilbagesøgt, med undtagelse af bestemmelserne om direkte og indirekte kapitalandele erhvervet før et bestemt tidspunkt fastlagt af Kommissionen med henblik på beskyttelse af den berettigede forventning – Kommissionens efterfølgende afgørelse om anordning af tilbagesøgning af hele støtten vedrørende indirekte kapitalandele – retssikkerhed «

Tvist:

1Med appellerne har Europa-Kommissionen nedlagt påstand om ophævelse af domme afsagt af Den Europæiske Unions Ret den 27. september 2023, Spanien mod Kommissionen (T-826/14, EU:T:2023:582) (sag C-776/23 P), Banco Santander m.fl. mod Kommissionen (T-12/15, T-158/15 og T-258/15, EU:T:2023:583) (sag C-777/23 P), Sociedad General de Aguas de Barcelona mod Kommissionen (T-253/15, EU:T:2023:585) (sag C-778/23 P), Telefónica og Iberdrola mod Kommissionen (T-256/15 og T-260/15, EU:T:2023:586) (sag C-779/23 P), og Ferrovial m.fl. mod Kommissionen (T-252/15 og T-257/15, EU:T:2023:584) (sag C-780/23 P) (herefter »de appellerede domme«), hvorved Retten annullerede Kommissionens afgørelse (EU) 2015/314 af 15. oktober 2014 om statsstøtte SA.35550 (13/C) (ex 13/NN) (ex 12/CP) gennemført af Spanien – ordning for skattemæssig afskrivning af finansiel goodwill i forbindelse med erhvervelse af kapitalandele i udenlandske virksomheder (EUT 2015, L 56, s. 38, herefter »den omtvistede afgørelse«).

Dom:

1) Appellerne i sagerne C-776/23 P – C-780/23 P forkastes.
2) Europa-Kommissionen bærer sine egne omkostninger og betaler de af Kongeriget Spanien, Banco Santander SA, Santusa Holding SL, Abertis Infraestructuras SA, Axa Mediterranean Holding SA, Sociedad General de Aguas de Barcelona SA, Telefónica SA, Iberdrola SA, Ferrovial SE, Serveo Servicios SA, Amey UK Ltd og Arcelormittal Spain Holding SL afholdte omkostninger i forbindelse med appellerne.
Læs mere
Dato: 26/06/2025

C-485/23 P - enercity mod Kommissionen
Nøgleord:

» Appel – konkurrence – fusioner – afgørelse, hvorved en fusion erklæres forenelig med det indre marked – søgsmål anlagt af tredjemand – formaliteten – artikel 263, stk. 4, TEUF – søgsmålskompetence «

Tvist:

Med appellen har enercity AG nedlagt påstand om ophævelse af dom afsagt af Den Europæiske Unions Ret den 17. maj 2023, enercity mod Kommissionen (T-321/20, herefter »den appellerede dom«, EU:T:2023:253), hvorved Retten afviste appellantens søgsmål anlagt til prøvelse af Kommissionens afgørelse C(2019) 1711 final af 26. februar 2019 om en fusions forenelighed med det indre marked og EØS-aftalen (sag M.8871 – RWE/E.ON Assets) (EUT 2020, C 111, s. 1, herefter »den omtvistede afgørelse«).

Dom:

1) Den Europæiske Unions Rets dom af 17. maj 2023, enercity mod Kommissionen (T-321/20, EU:T:2023:253), ophæves.
2) Søgsmålet anlagt af enercity AG med påstand om annullation af Kommissionens afgørelse C(2019) 1711 final af 26. februar 2019 om en fusions forenelighed med det indre marked og EØS-aftalen (sag M.8871 – RWE/E.ON Assets) afvises.
3) enercity AG, E.ON SE, RWE AG og Europa-Kommissionen bærer hver deres egne omkostninger i forbindelse med sagen i første instans og appelsagen.
4) Forbundsrepublikken Tyskland bærer sine egne omkostninger.
Læs mere
Dato: 26/06/2025

C-484/23 P - Mainova mod Kommissionen
Nøgleord:

» Appel – konkurrence – fusioner – afgørelse, hvorved en fusion erklæres forenelig med det indre marked – søgsmål anlagt af tredjemand – formaliteten – artikel 263, stk. 4, TEUF – søgsmålskompetence «

Tvist:

Med appellen har Mainova AG nedlagt påstand om ophævelse af dom afsagt af Den Europæiske Unions Ret den 17. maj 2023, Mainova mod Kommissionen (T-320/20, herefter »den appellerede dom«, EU:T:2023:264), hvorved Retten afviste appellantens søgsmål anlagt til prøvelse af Kommissionens afgørelse C(2019) 1711 final af 26. februar 2019 om en fusions forenelighed med det indre marked og EØS-aftalen (sag M.8871 – RWE/E.ON Assets) (EUT 2020, C 111, s. 1, herefter »den omtvistede afgørelse«).

Dom:

1) Den Europæiske Unions Rets dom af 17. maj 2023, Mainova mod Kommissionen (T-320/20, EU:T:2023:264), ophæves.
2) Søgsmålet anlagt af Mainova AG med påstand om annullation af Kommissionens afgørelse C(2019) 1711 final af 26. februar 2019 om en fusions forenelighed med det indre marked og EØS-aftalen (sag M.8871 – RWE/E.ON Assets) afvises.
3) Mainova AG, E.ON SE, RWE AG og Europa-Kommissionen bærer hver deres egne omkostninger i forbindelse med sagen i første instans og appelsagen.
4)Forbundsrepublikken Tyskland bærer sine egne omkostninger.
Læs mere
Dato: 26/06/2025

C-469/23 P - eins energie in sachsen mod Kommissionen
Nøgleord:

» Appel – konkurrence – fusioner – afgørelse, hvorved en fusion erklæres forenelig med det indre marked – søgsmål anlagt af tredjemand – formaliteten – artikel 263, stk. 4, TEUF – søgsmålskompetence «

Tvist:

Med appellen har eins energie in sachsen GmbH & Co. KG nedlagt påstand om ophævelse af dom afsagt af Den Europæiske Unions Ret den 17. maj 2023, eins energie in sachsen mod Kommissionen (T-318/20, herefter »den appellerede dom«, EU:T:2023:262), hvorved Retten afviste appellantens søgsmål anlagt til prøvelse af Kommissionens afgørelse C(2019) 1711 final af 26. februar 2019 om en fusions forenelighed med det indre marked og EØS-aftalen (sag M.8871 – RWE/E.ON Assets) (EUT 2020, C 111, s. 1, herefter »den omtvistede afgørelse«).

Dom:

1) Den Europæiske Unions Rets dom af 17. maj 2023, eins energie in sachsen mod Kommissionen (T-318/20, EU:T:2023:262), ophæves.
2) Søgsmålet anlagt af eins energie in sachsen GmbH & Co. KG med påstand om annullation af Kommissionens afgørelse C(2019) 1711 final af 26. februar 2019 om en fusions forenelighed med det indre marked og EØS-aftalen (sag M.8871 – RWE/E.ON Assets) afvises.
3) eins energie in sachsen GmbH & Co. KG, E.ON SE, RWE AG og Europa-Kommissionen bærer hver deres egne omkostninger i forbindelse med sagen i første instans og appelsagen.
4) Forbundsrepublikken Tyskland bærer sine egne omkostninger.
Læs mere
Dato: 26/06/2025

C-466/23 P - Stadtwerke Hameln Weserbergland mod Kommissionen
Nøgleord:

» Appel – konkurrence – fusioner – afgørelse, hvorved en fusion erklæres forenelig med det indre marked – søgsmål anlagt af tredjemand – formaliteten – artikel 263, stk. 4, TEUF – søgsmålskompetence «

Tvist:

Med appellen har Stadtwerke Hameln Weserbergland GmbH nedlagt påstand om ophævelse af dom afsagt af Den Europæiske Unions Ret den 17. maj 2023, Stadtwerke Hameln Weserbergland mod Kommissionen (T-314/20, herefter »den appellerede dom«, EU:T:2023:258), hvorved Retten afviste appellantens søgsmål anlagt til prøvelse af Kommissionens afgørelse C(2019) 1711 final af 26. februar 2019 om en fusions forenelighed med det indre marked og EØS-aftalen (sag M.8871 – RWE/E.ON Assets) (EUT 2020, C 111, s. 1, herefter »den omtvistede afgørelse«).

Dom:

1) Den Europæiske Unions Rets dom af 17. maj 2023, Stadtwerke Hameln Weserbergland mod Kommissionen (T-314/20, EU:T:2023:258), ophæves.
2) Søgsmålet anlagt af Stadtwerke Hameln Weserbergland GmbH med påstand om annullation af Kommissionens afgørelse C(2019) 1711 final af 26. februar 2019 om en fusions forenelighed med det indre marked og EØS-aftalen (sag M.8871 – RWE/E.ON Assets) afvises.
3) Stadtwerke Hameln Weserbergland GmbH, E.ON SE, RWE AG og Europa-Kommissionen bærer hver deres egne omkostninger i forbindelse med sagen i første instans og appelsagen.
4) Forbundsrepublikken Tyskland bærer sine egne omkostninger.
Læs mere
Dato: 26/06/2025

C-464/23 P - EVH mod Kommissionen
Nøgleord:

» Appel – konkurrence – forordning (EF) nr. 139/2004 – fusioner og virksomhedsovertagelser – markedet for produktion og engrossalg af elektricitet – RWE AG's erhvervelse af E.ON SE's anlæg til produktion af elektricitet fra vedvarende energikilder og atomkraft – afgørelse, hvorved fusionen erklæres forenelig med det indre marked og med funktionen af aftalen om Det Europæiske Økonomiske Samarbejdsområde af 2. maj 1992 «

Tvist:

Med appellerne har EVH GmbH (C-464/23 P), Stadtwerke Leipzig GmbH (C-465/23 P), TEAG Thüringer Energie AG (C-467/23 P), EnergieVerbund Dresden GmbH (C-468/23 P) og GGEW, Gruppen-Gas- und Elektrizitätswerk Bergstraße AG (C-470/23 P) nedlagt påstand om ophævelse af domme afsagt af Den Europæiske Unions Ret den 17. maj 2023, EVH mod Kommissionen (T-312/20, herefter »dom T-312/20«, EU:T:2023:252), Stadtwerke Leipzig mod Kommissionen (T-313/20, herefter »dom T-313/20«, EU:T:2023:257), TEAG mod Kommissionen (T-315/20, herefter »dom T-315/20«, EU:T:2023:259), EnergieVerbund Dresden mod Kommissionen (T-317/20, herefter »dom T-317/20«, EU:T:2023:261) og GGEW mod Kommissionen (T-319/20, herefter »dom T-319/20 », EU:T:2023:263) (herefter samlet »de appellerede domme«), hvorved Retten frifandt Europa-Kommissionen i appellanternes søgsmål anlagt til prøvelse af Kommissionens afgørelse C(2019) 1711 final af 26. februar 2019 om en fusions forenelighed med det indre marked og EØS-aftalen (sag M.8871 – RWE/E.ON Assets) (EUT 2020, C 111, s. 1, herefter »den omtvistede afgørelse«).

Dom:

1) Appellerne forkastes.
2) EVH GmbH bærer sine egne omkostninger og betaler de af Europa-Kommissionen, E.ON SE og RWE AG afholdte omkostninger i sag C-464/23 P.
3) Stadtwerke Leipzig GmbH bærer sine egne omkostninger og betaler de af Kommissionen, E.ON SE og RWE AG afholdte omkostninger i sag C-465/23 P.
4) TEAG Thüringer Energie AG bærer sine egne omkostninger og betaler de af Kommissionen, E.ON SE og RWE AG afholdte omkostninger i sag C-467/23 P.
5) EnergieVerbund Dresden GmbH bærer sine egne omkostninger og betaler de af Kommissionen, E.ON SE og RWE AG afholdte omkostninger i sag C-468/23 P.
6) GGEW, Gruppen-Gas- und Elektrizitätswerk Bergstraße AG bærer sine egne omkostninger og betaler de af Kommissionen, E.ON SE og RWE AG afholdte omkostninger i sag C-470/23 P. 7) Forbundsrepublikken Tyskland bærer sine egne omkostninger i sagerne C-464/23 P, C-465/23 P, C-467/23 P, C-468/23 P og C-470/23 P.
Læs mere
Dato: 26/06/2025

T-510/20 RENV - Fachverband Spielhallen og LM mod Kommissionen
Nøgleord:

» Statsstøtte – skattemæssig behandling af offentlige kasinooperatører i Tyskland – afgift på fortjeneste – fradragsberettigelse for beløb betalt i medfør af denne afgift i beskatningsgrundlaget for selskabsskat og erhvervsskat – afgørelse om ikke at gøre indsigelser – ikke alvorlige vanskeligheder – statsstøttebegrebet – selektiv karakter «

Tvist:

Med søgsmål anlagt i henhold til artikel 263 TEUF har sagsøgerne, Fachverband Spielhallen eV og LM, nedlagt påstand om annullation af Kommissionens afgørelse C(2019) 8819 final af 9. december 2019 om statsstøtte SA.44944 (2019/C) (ex 2019/FC) – Skattemæssig behandling af offentlige kasinooperatører i Tyskland, og SA.53552 (2019/C, ex 2019/FC) – Påstået garanti for operatører af offentlige kasinoer i Tyskland (lønsomhedsgaranti) (herefter »den anfægtede afgørelse«), for så vidt som denne afgørelse afviste sagsøgernes klage over, at de beløb, som operatører af offentlige kasinoer havde betalt til Land Nordrhein-Westfalen (delstaten Nordrhein-Westfalen, Tyskland) som afgift for fortjeneste, var fradragsberettigede i beskatningsgrundlagene for erhvervsskat og indkomstskat eller selskabsskat.

Dom:

1) Europa-Kommissionen frifindes.
2) Kommissionen bærer sine egne omkostninger og betaler de af Fachverband Spielhallen eV og LM afholdte omkostninger i forbindelse med appelsagen ved Domstolen i sag C-831/21 P.
3) Fachverband Spielhallen og LM bærer hver deres egne omkostninger og betaler de af Kommissionen afholdte omkostninger i forbindelse med hjemvisningen til Retten i sag T-510/20 RENV og den oprindelige sag ved Retten i sag T-510/20.
4) Forbundsrepublikken Tyskland bærer sine egne omkostninger.
Læs mere
Dato: 25/06/2025

Forslag til afgørelse

C-653/23 – TOODE
Nøgleord:

» Præjudiciel forelæggelse – statsstøtte – artikel 107, stk. 1, TEUF – national støtteordning, som er godkendt af Europa-Kommissionen med henblik på at støtte økonomien under covid-19-pandemien – den kompetente myndigheds afslag på at tildele en støtte til en virksomhed, der ikke opfylder de i denne ordning fastsatte betingelser – søgsmål med påstand om, at en national ret fastslår, at denne støtte skal tildeles – fristen for tildeling af denne støtte er udløbet under retssagen – fastslåelse af det tidspunkt, hvor støtten anses for at være ydet – forordning (EU) 2015/1589 – artikel 1 – eksisterende støtte – ny støtte «

Tvist:

Skatte- og afgiftsmyndigheden afslog at tildele en lettisk virksomhed en statsstøtte med henblik på at støtte økonomien under covid-19-pandemien med den begrundelse, at denne virksomhed ikke opfyldte de i national ret fastsatte betingelser for at modtage den pågældende støtte. Virksomheden anlagde et søgsmål ved en national ret med påstand om, at det blev fastslået, at den faktisk opfyldte disse betingelser, og at skatte- og afgiftsmyndigheden blev pålagt at vedtage en begunstigende forvaltningsakt over for virksomheden. Imidlertid udløb gyldighedsperioden for den af Europa-Kommissionen godkendte statsstøtteordning under den nationale retssag. Kan denne virksomhed modtage den pågældende støtte, såfremt skatte- og afgiftsmyndighedens oprindelige afslag på at tildele denne støtte annulleres ved en retsafgørelse, der afsiges efter udløbet af den fastsatte frist for tildelingen? Dette er i det væsentlige det spørgsmål, der forelægges af Administratīvā apgabaltiesa (appeldomstol i forvaltningsretlige sager, Letland).

Den foreliggende sag giver Domstolen lejlighed til dels at udtale sig om det tidspunkt, hvor en statsstøtte anses for at være ydet som omhandlet i artikel 107, stk. 1, TEUF, og dels om, hvorvidt der er tale om en eksisterende eller en ny støtte som omhandlet i artikel 1 i forordning (EU) 2015/1589 (2) i den særlige sammenhæng, hvor en national ret anerkender, at støtten kan modtages, efter udløbet af fristen for dens tildeling som fastsat i national ret og som godkendt af Kommissionen og pålægger den kompetente myndighed at tildele den støtte, hvorom der er anmodet.

Forslag til afgørelse:

Artikel 107, stk. 1, TEUF, sammenholdt med artikel 47 i Den Europæiske Unions charter om grundlæggende rettigheder, skal fortolkes således, at en statsstøtte skal anses for at være »tildelt« på det tidspunkt, hvor den kompetente offentlige myndighed afslog at tildele den til en virksomhed, når dette afslag er blevet kendt ulovligt ved en national retsafgørelse afsagt efter udløbet af den fastsatte frist for tildeling af støtten, for så vidt som dette afslag blev givet før udløbet af den fastsatte frist for tildeling af støtten og på et tidspunkt, hvor Kommissionens godkendelse af denne støtte var gældende, og for så vidt som virksomheden opfyldte betingelserne for at modtage støtten i henhold til den gældende nationale ordning.

Artikel 1, litra b), nr. ii), i Rådets forordning (EU) 2015/1589 af 13. juli 2015 om fastlæggelse af regler for anvendelsen af artikel 108 i traktaten om Den Europæiske Unions funktionsmåde skal fortolkes således, at en støtte, der udbetales af den kompetente nationale myndighed efter udløbet af den frist for tildeling af støtten, som er fastsat i en støtteordning, med henblik på fuldbyrdelsen af en national retsafgørelse, som fastslår, at virksomheden inden udløbet af den førnævnte frist opfyldte alle de i national ret fastsatte betingelser for at modtage den pågældende støtte, og at den kompetente myndigheds oprindelige afslag på at tildele støtten var ulovligt, skal anses for »eksisterende støtte«. I en sådan situation

anses støtten for at være ydet på tidspunktet for den kompetente nationale myndigheds oprindelige afslag på at tildele støtten.
Læs mere
Dato: 13/03/2025

Kendelse

Intet nyt.

Andet nyt fra EU-domstolen

Intet nyt.

Andet internationalt nyt

Suspected anti-competitive conduct in relation to the supply of waste management services
The Competition and Markeys Authority (CMA) is investigating suspected anti-competitive conduct in relation to the supply of waste management services under Chapter I of the Competition Act 1998.
Læs mere
Dato: 03/07/2025

Policy Brief: Electricity at Any Price? The real cost of wind and power
Over the past two to three years, there have been a large number of analyses and forecasts regarding Sweden's future electricity needs from government agencies, interest organizations and think tanks. They all forecast a sharp increase in future electricity demand to meet the mandated green transition. In many cases, they also advocate a rapid expansion of weatherdependent power sources, both because it is considered to be faster and because it is considered to be economically advantageous. In particular, onshore wind power is highlighted as the best option. This conclusion is based on the assumption that the share of weather-dependent power generation can be allowed to increase from today's level without jeopardizing the functioning of the electricity system.

The authors of this Policy Brief question such a strategy, arguing that the functioning of the Swedish electricity system cannot be guaranteed if the share of weather-dependent power generation increases sharply from what they consider to be an already high level. Rather than reviewing each of the many analyses and forecasts advocating rapid expansion of wind power, the authors have chosen to examine in detail one of the reports, namely the SNS Economic Council's annual report, which this year analyzes the Swedish electricity market. The three authors chose to review this particular report for several reasons: it is written by highly qualified researchers, it is new, and the SNS Economic Council is held in high repute and thus has great influence on the public debate. Given the purpose of this Policy Brief, it is not a crucial limitation that the review mainly concerns a single report. The criticisms the authors make of the SNS report typically also apply to other reports that argue for a strong and rapid expansion of wind power, resulting in an increasing share of weather-dependent power in the production mix.
Læs mere
Dato: Maj 2025

Recommendation of the Council on Merger Review
The recommendation. as revised. sets out key principles for merger review to be effective, efficient and timely, with clear notification and review procedures and effective and transparent assessments. It recognises the importance for competition authorities to have sufficient flexibility in the analysis of mergers to address changing market realities and business models, including, for example, those presented by the digitalisation of the economy. The main elements of its revision are: The strengthening of principles related to merger review framework, notification and review procedures. The inclusion of principles to guarantee reliance on a clearly defined framework to ensure that merger assessment is effective and transparent. The focus on the provision of clear guidance for the design, assessment and adoption of merger remedies, as well as on co-operation between reviewing jurisdictions on remedy design and implementation in transnational mergers. The encouragement to perform ex-post assessment of merger decisions and remedies.
Læs mere
Dato: Juni 2025

3 | LITTERATUR (DK)

Artikler fra UfR
Intet nyt.

Nye publikationer fra Erhvervsministeriet
Intet nyt.

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.

Anden dansk og nordisk litteratur
Intet nyt.

4 | LITTERATUR (UK)

Artikler fra European Competition Law Review

Volume 46, issue: 7, 2025:

The implications of the Alphabet ruling of the Court of Justice of the European Union for the regulation of online digital markets
Abstract: Discusses Alphabet Inc v Autorita Garante della Concorrenza e del Mercato (C-233/23) (ECJ), finding an online gatekeeper's refusal to grant a third-party access to its platform constituted an abuse of dominance unless objectively justified, and the implications for interpreting Regulation 2022/1925.

Australian merger control in 2026 and beyond: a book of changes
Abstract: Reviews the implications of substantive and procedural reforms to Australia's merger control regime under the Competition and Consumer Act 2010 by the Treasury Law Amendment (Mergers and Acquisitions Reform) Act 2024, including revised institutional arrangements and merger notification thresholds.

Antitrust arbitration: a piped dream?
Abstract: Reviews the operation of antitrust arbitration in the EU and US, highlighting the role of the "second-look" doctrine in ensuring that arbitration awards and competition law are in alignment. Considers the feasibility of introducing such antitrust arbitration in India, and the main requirements.

Belgium: competition - judgment (Case Comment)
Abstract: Notes the Belgian Supreme Court ruling in Tunstall v Tele-Secours, clarifying whether an abuse of economic dependence requires a contractual relationship to exist between the companies involved under Belgian law.

Denmark: anti-competitive practices - decision (Case Comment)
Abstract: Notes the Danish Competition Council ruling in Boligtextilbranchens Indkobsservice AMBA, upholding its initial decision on whether a market sharing arrangement constituted restrictive business practices, following interpretative guidance from the Competition Appeals Tribunal.

Finland: competition - enforcement (Case Comment)
Abstract: Highlights the Finnish Market Court ruling in Attendo Suomi Oy imposing a penalty payment of EUR 1.5 million on a care company for obstructing a dawn raid by the Finnish Competition and Consumer Authority by deleting data. Notes the grounds for reducing the penalty originally suggested.

France: anti-competitive practices - judgment (Case Comment)
Abstract: Notes a French Supreme Court ruling of 26 February 2025, rejecting a follow-on damages claim by a customer of firms fined for cartel participation in the commodity chemicals distribution sector and clarifying that a finding of anti-competitive conduct does not necessarily imply harm has been caused.

France: anti-competitive practices - judgment (Case Comment)
Abstract: Notes two French Supreme Court decisions of 4 February 2025, giving guidance on the disclosure of documents following dawn raids by the French Competition Authority to investigate anti-competitive practices.

Greece: mergers - merger control (Case Comment)
Abstract: Notes the Hellenic Competition Commission ruling in AKTOR SA / INTRAKAT SA, unconditionally approving a merger in the Greek construction sector. Details the analysis of the relevant markets, and the grounds for finding no significant impediments to effective competition would result.

Netherlands: competition - policy
Abstract: Notes the Dutch Competition Authority's publication of its 2025 strategic priorities, including promotion of an open digital economy, enforcement modernisation and a range of sector-specific market studies. Details its ongoing investigation into a sub-threshold merger involving Ziemann and Brinks.

Netherlands: competition - policy
Abstract: Notes the Dutch Competition Authority's publication of two informal assessments of sustainability agreements in the textile industry and natural stone sector, highlighting the extent to which most companies recognise the need to co-operate with suppliers and buyers on sustainability goals.

Poland: competition - annual report
Abstract: Notes the Polish Office for Competition and Consumer Protection's publication of its 2024 annual activity report on issues including the number of competition decisions, their subject-matter, the fines imposed and the use of soft statements. Highlights its updated merger notification guidelines.

Romania: anti-competitive practices - infringement (Case Comment)
Abstract: Notes the Romanian Competition Council ruling in Boehringer Ingelheim RCV GmbH & Co KG, on whether a pharmaceuticals company previously fined for abusing its dominant position had also adopted strategies intended to limit market access to competing generic medicines.

South Africa: competition - consent orders in competition and merger law (Case Comment)
Abstract: Notes three South African Competition Tribunal rulings approving consent orders between the South African Competition Commission and companies involved in merger control proceedings, and which relate to failure to notify a merger, alleged price fixing and alleged minimum resale price maintenance.

Spain: mergers - merger control (Case Comment)
Abstract: Notes the Spanish National Markets and Competition Commission ruling in CORPORACION ALIMENTARIA PENASANTA SA / Lacteas Flor de Burgos SL, imposing a fine of EUR 135,000 on a company involved in a merger transaction for gun-jumping.

Spain: anti-competitive practices - infringement (Case Comment)
Abstract: Notes the Spanish National Markets and Competition Commission ruling in Barcelona Bar Association imposing a fine of EUR 500,000, reduced by 20% for immediate payment, on a bar association for failing to comply with an earlier decision concerning restrictive business practices and lawyers' fees.

Sweden: mergers - judgment (Case Comment)
Abstract: Notes the Swedish Patent and Market Court of Appeal ruling in Apotekstjanst Sverige AB / Svensk Dos AB, overturning the earlier prohibition of a merger in the market for dose dispensing services to outpatients, on the grounds that it would not significantly impede effective competition.

Turkiye: anti-competitive practices - infringement (Case Comment)
Abstract: Notes the Turkish Competition Board ruling in Baskent / Uzman Kariyer imposing administrative financial penalties on companies in the educational publishing market for anti-competitive practices involving resale price maintenance and territorial restrictions on dealers.

United Kingdom: competition - market investigation
Abstract: Notes the findings of the Competition and Markets Authority (CMA) March 2025 final report "Mobile Browsers and Cloud Gaming" on competition concerns in the relevant markets. Details potential CMA remedies, which are subject to ongoing investigations relating to the policies of Apple and Google.

USA: anti-competitive practices - judgment (Case Comment)
Abstract: Notes the Virginia District Court ruling in United States v Google, on whether a search engine unlawfully obtained and maintained a monopoly in two digital advertising technology markets. Details the background to the judgment and its wider context.

Artikler fra European Competition Journal

Intet nyt.

Artikler fra Journal of Competition Law and Economics

Volume 2, Issue: 2, juni 2025:

REMEDIES IN EU ANTITRUST LAW
Remedies are central in contemporary EU antitrust enforcement. However, they remain relatively misunderstood. Against this background, this article has three main objectives. It seeks, first, to shed light on the nature and purpose of remedial action under Articles 101 and 102 TFEU, with a focus on the European Commission's activity. The point of intervention, the case law shows, is to bring an infringement effectively to an end. As a matter of positive law, it is unclear that there is room for restorative remedies (that is, remedies that seek to recreate the conditions of competition as they would have existed in the absence of the practice). Second, the article takes a critical perspective on the practice of the past decade. It appears, in particular, that a 'principles-based approach' to the administration of remedies is likely to lead to suboptimal outcomes. Finally, some recommendations are outlined so that the letter of the law matches the demands and ambitions of the sort of regulatory-like intervention that is necessary in digital markets and other industries presenting similar features.

Pricing Algorithms Out of the Box: A Study of the Repricing Industry*
Businesses, including sellers on online marketplaces, are increasingly adopting repricing algorithms, which autonomously set prices. Despite concerns about potential consequences such as inflated prices in online marketplaces, there is a notable lack of research focusing on the supply-side dynamics of the repricing industry. This study is the first to address this gap by systematically documenting and classifying repricers, ranging from basic fixed-rule algorithms to sophisticated self-learning AI algorithms. We analyze product features, fees, and associated services based on suppliers' descriptions. Although the analysis is descriptive, we offer a first broad overview of this new industry, potentially affecting millions of consumers in online marketplaces. Our focus is on describing the technical features and claims of these products and where they are relevant for economic analysis in academic research and policy.

Object and Effects Tests in Resale Price Maintenance Cases in China
The legal rules toward RPM in China are undergoing a major change. Reflecting the classical disputes over the issues in major competition jurisdictions, the change highlights the importance of an effect-based approach. We summarize how RPM had been regulated in China under the jurisdiction of Anti-Monopoly Law. We also discuss the potential switch to an "effect-based" approach and the likely reliance on economic analysis in the future, through a systematic study of all the 45 RPM cases in China between 2008 and 2022.

Where is the Limit? Assessing the Potential of Algorithm-Based Cartel Detection
Academic research on cartel detection has primary focused on algorithm-based screening of markets. However, only a few studies have assessed the extent to which competition authorities can generalize from a developed model to new markets. In our paper, we aim to fill this gap by investigating how close a market on which an algorithm is trained has to be to detect cartels in a new market. Our results confirm that when comparable training data are available, the machine-learning-based models are powerful tools to flag cartels. However, we show that the algorithms' performances are limited when lacking comparable training data from the same industry, leading to the conclusion that practitioners should exercise a great deal of caution when choosing training data from different industries for cartel screening. In addition to our main contribution, we present a way of automated feature engineering and selection based on frequently used hand-crafted screens (descriptive statistics derived from firms' prices) that are generally used in the recent cartel screening literature of algorithm-based cartel detection. Finally, to overcome the prerequisite of any pre-defined screen, we present the first-time application of various recurrent neural network architectures together with raw price data to flag potential cartels.

A Reconception of Power in Competition Law with Its Application in the Digital Realm
As a fundamental concern of competition law, the concept of power remains inadequately understood. The limitations have become increasingly evident in the digital economy realm where new challenges have often not been addressed promptly, coherently, and effectively. Although new theories and analytical tools have been proposed, they frequently result in overlaps and gaps. There is a pressing need to establish a more coherent theoretical foundation that integrates traditional and emerging theories of power. Tapping into legal philosophy and global empirical evidence, this article proposes a reconceptualization of power as an overarching theoretical framework. This reconceptualization differentiates between power as capacity and its exercise, classifies the various forms of power exertion, and identifies several distinct types of power. The reconceptualization elucidates how different types of power—such as economic, political, informational, and technological—all contribute to power dynamics in markets. By broadening the dimensions of power analysis in competitive assessment, the proposed understanding of power frees legal discourse from the limitations of a purely economic perspective. The Facebook/WhatsApp merger is analysed as an illustration. However, the proposed

conception is also relevant for assessing other competitive issues, such as the power interplay between economic and noneconomic factors like privacy and personal data protection, and democracy.

Antitrust Protectionism: Escaping the Perils of Anti-Suit Injunctions Through WTO Law
This piece delves into the global surge of antitrust litigation involving intellectual property–related "antisuit injunctions" ("ASIs"), a judicial remedy with extraterritorial impact aimed at curtailing patent holders from enforcing their rights protecting technologies essential for the implementation of technical standards (standard essential patents). Litigants are racing to secure their preferred legal venue for establishing worldwide licensing rates, while also attempting to prevent patent holders from initiating patent infringement proceedings elsewhere using ASIs. This phenomenon poses an inherent risk of exacerbating the current trade fragmentation trend across geopolitical blocks and has already led to an ongoing dispute at the World Trade Organization between the European Union and China. This paper argues that the Agreement on Trade-Related Aspects of Intellectual Property Rights offers a readily available solution to counter the perils of antitrust protectionism by prohibiting barriers to legitimate trade that do not include safeguards against abuse of enforcement procedures (that is, ASIs with an overly broad scope).

Artikler fra Journal of Antitrust Enforcement

Volume 13, Issue: 2, juli 2025:

Breaking up Big Tech: scissor-line suggestions for smart cuts
Calls for the breakup of Big Tech, especially where behavioural remedies are cumbersome to enforce effectively, are becoming louder on both sides of the Atlantic. If there are going to be structural remedies against network companies, we propose they better be 'smart cuts': targeted interventions to insulate core platform functions with minimal damage to positive network effects. One major concern with dominant platforms is information bias: intentional distortion of information presented to a user to steer them away from the best matches to their query and towards content that benefits the platform instead. It can be addressed by separating a hybrid platform's recommender system from its peripheral services with commercial tentacles in the real economy. This realigns incentives to provide users with unbiased information and invites competition on and between intermediaries. We offer scissor-line suggestions for the gatekeepers Alphabet, Amazon, and Apple. Smart cuts have a conceptual basis: they go beyond unwinding recent acquisitions and open up ecosystem structures to competition, allow for targeted flanking access regulation, and alleviate competition law enforcement.

Beyond exclusion: revisiting exploitative abuses in digital platform markets
With the rapid expansion of digital platforms, concerns regarding exploitative practices have gained prominence, necessitating a closer examination of the possibilities available to competition authorities to address them. In light of the higher error costs of enforcement compared to exclusionary abuses, scholars have come up with structured approaches to identify in which situations exploitative abuse actions are justified. However, these approaches are mostly geared towards excessive prices and have not been adapted to digital platform markets, where customers and consumers are more likely to encounter unfair trading conditions. The aim of this article is to examine the extent to which the structured approaches developed in the literature are applicable to cases of unfair trading conditions by digital platforms. In order to do so, we first review the literature to establish the most widely supported conditions under which intervening against excessive price is justified. We identify the following conditions: (i) the presence of high and non-transitory barriers to entry; (ii) an enhanced dominant position; (iii) the absence of sector-specific regulation; and (iv) enhanced consumer harm. We then apply those conditions to exploitative abuse cases in digital platform markets and propose adjustments to ensure they are appropriate to guide competition authorities' intervention.

Competition law through the lenses of national constitutions: connecting competitive markets with socio-economic and environmental values
This article analyses competition legislation through the lenses of national constitutions, given that these constitutions establish the foundational structures of national legal systems to which competition laws inherently belong. Building on existing constitutional literature, it posits that competition laws should be construed in accordance with the values promoted in national constitutions. The analysis is situated within the contemporary discourse surrounding the ongoing 'just transition' towards a carbon-neutral economy, i.e., a process in which socio-economic values (pertaining to the right to work, right to healthcare, and right to food) and environmental values (pertaining to a clean environment, biodiversity, and reducing emissions) constitute guiding tenets. Such a context invites the question of whether competition laws should be built and interpreted in a manner that facilitates the enhanced integration of socio-economic and environmental values enshrined in national constitutions. These contemplations are pivotal, since law plays a constitutive role in designing socio-economic structures, with the structuring of competitive markets being no exception. In light of this, the paper conducts a review of how national constitutions across the world safeguard competitive markets, socio-economic

values, and environmental values. Specifically, the article categorizes the regulatory frameworks identified within all 52 national constitutions that explicitly protect competitive markets alongside socio-economic and environmental values. Subsequently, the paper transitions to an examination of two countries—Poland and South Africa—to elucidate how national competition laws reflect constitutional choices. It demonstrates that their constitutions and competition laws were shaped in a manner that offers a different space for incorporation of socio-economic and environmental values in the interpretation of competition laws. The article relies on an analysis of the texts of national constitutions and competition statutes, as well as selected case law of constitutional courts and ordinary courts. Overall, the article seeks to incite an academic discourse regarding the significance of national constitutions in the realm of antitrust. At the same time, it expands upon the literature concerning economic constitutions, especially regarding the European Union and its Member States.

Can competition law save democracy? Reflections on democracy's tech-driven decline and how to stop it
Digital technologies and platforms have brought a much-needed plurality to communications and the press, but have also opened the door to increased manipulation, misinformation, and distortion in the marketplace of ideas. The worrying erosion of citizens' autonomy has progressively intensified with the evolution of certain business models. This article explores the ways in which the digital economy contributes to distortion of information, and the role competition law may play in safeguarding democracy.

Old tools for the new economy? Counterfactual causation in foreclosure assessment and choice of remedies on data-driven markets
Under the Digital Markets Act, gatekeeper platforms abide by numerous ex-ante rules, including narrow data-sharing obligations that address data-driven market tipping. Gatekeepers also remain subject to ex-post competition interventions. While interventions under both ex-ante and ex-post (antitrust) mandates are not novel, they must be approached with extra care in data-driven digital markets, where uncertainty and error costs are high. Therefore, we argue that post-DMA competition enforcement against gatekeepers requires rigorous ex-post economic effects analysis at two levels: foreclosure assessment and devising appropriate remedies. Regarding foreclosure assessment, we propose a 'multiple-counterfactual-causation-test' for establishing anticompetitive effects, which should ensure a nuanced analysis of the competitive landscape on data-driven digital markets in the post-DMA world. Regarding remedies, a fine-grained, proportionality-driven assessment of the need for ex-post data-related obligations is vital.

Designing (restorative) remedies for abuses of dominance by online platforms
The debate surrounding the application of European Union competition law to online platforms so far has predominantly focused on identifying anti-competitive practices. The design of corresponding remedies has been far less explored, although it is of equal importance to practice. In the absence of effective remedies, the mere identification of anti-competitive practices can do little to protect competition. Given the difficulties associated with identifying competition law infringements by online platforms, there is no reason to assume that the design of remedies intended to tackle the effects of such infringements will be straightforward. Therefore, this article aims to show the intricacies of designing effective remedies for Article 102 TFEU infringements by online platforms based on the case study of tying and bundling practices. In this process, the article clarifies the importance of incorporating restorative measures in competition law remedies that may require opting for structural interventions, which are difficult to impose under the scope of Regulation 1/2003. The article offers three potential options to overcome such difficulties within the ambit of this regulation, namely through the strategic use of interim measures, the introduction of flexible remedies, and the incorporation of the regulatory restraints of the Digital Markets Act.

How economists influence antitrust: the contributions of Tim Bresnahan, Janusz Ordover, Steve Salop, and Bobby Willig
Economists influence antitrust policy through theoretical and empirical economic research, translation and synthesis of that research, direct participation in policy development, and participation in the adversarial process. To illustrate these channels, this article profiles the antitrust-related work of four industrial organization economists who have played important roles in the development of antitrust economics and policy: Tim Bresnahan, Janusz Ordover, Steve Salop, and Bobby Willig. The article also evaluates three overarching theories about the role of economics in antitrust: a public interest theory, capture by big business, and influence tied to the ascendancy of neoliberalism.

Economics and antitrust enforcement at the EU: an update
We extend the dataset, revise, and improve the methodology applied in empirically measuring the role of economics in antitrust enforcement by European Commission's DG for Competition (EC's DGCOMP), first examined in Katsoulacos and Makri (2021, this journal). Infringement decisions from 1992 to 2021 are now examined, including a number of important digital and hi-tech market decisions from 2018 to 2021. The revised methodology significantly clarifies the role of potential assessment screens in identifying eight (rather than five) potential Legal Standards, also taking into account

the Quick Look standards. Additionally, we now distinguish evidence presented depending on the burden of proof. Thus, we capture the role of economic analysis and evidence applied by DGCOMP, in proving that conduct is anti-competitive, through the new Cumulative Economic Analysis Indicator, as distinguished from the role of efficiency analysis presented by defendants and then assessed by DGCOMP, which is now independently measured; combined, these define a new indicator of the Total Economic Evidence presented during assessment. The quality of enforcement by DGCOMP, measured by the closeness of the weighted average Cumulative Economic Analysis Indicator empirically identified for different conduct types to its theoretically optimal (decision error minimizing) level, is captured and its evolution is considered and compared to other Competition Authorities.

Considerations of monopsony in merger analysis: The Penguin Random House case
In 2020, Bertelsmann SE & Co., the owner of Penguin Random House (PRH), offered to acquire Simon & Schuster for $2.175 billion. If the merger had been consummated, the newly merged firm would have had a 49 per cent share of the market for publishing rights to anticipated top-selling books. Concerned by the proposed merger, the Department of Justice alleged that a more concentrated sector for publishing would result in lower advances to authors of highly anticipated books. The antitrust concern, therefore, centred on the exercise of monopsony power rather than monopoly power. The District Court was persuaded by the evidence presented at trial and blocked the merger on that ground. Having lost at trial, PRH decided to forgo an appeal. This article provides a brief analysis and critique of the District Court's ruling.

FIFA's football agent regulations and European competition law
We assess the relationship between professional sport and European Union competition law using the example of the FIFA Football Agent Regulations (FFAR), a set of rules enacted by FIFA, the world football governing body, to regulate the activities of football agents. The FFAR have been challenged under competition law before national courts and in arbitration proceedings before the Court of Arbitration for Sport. The European Court of Justice has been asked to rule on the matter. The FFAR are the result of an anti-competitive decision by an association of undertakings. In particular, there is no exception for such agreements under the so-called Meca-Medina test. This analysis is supported by the European Court of Justice's 2023 rulings in sports cases, in particular the European Superleague.

Artikler fra Journal of European Competition Law and Practice

Intet nyt.

Artikler fra World Competition

Volume 48, issue: 2, 2025:

Competition and the Social Market Economy: The Italian Experience
The article discusses the evolving role of competition law within the framework of Europe's social market economy, with a focus on the Italian experience. It explores how antitrust enforcement can align with broader societal goals such as sustainability, social justice, and economic resilience while maintaining its core mission of protecting competition and consumer welfare. Through examples from Italy's competition authority Autorità Garante della Concorrenza e del Mercato (AGCM), the paper highlights how competition policy can complement regulation to promote a more inclusive and sustainable economic system.

The Economics of Innovation Spaces
The European Commission cannot find an Innovation Space. While the Commission claims in its Market Definition Notice that it can do just this, in reality it protects competition to innovate by protecting competition in a Future Market, a market for products at least some of which do not exist yet. This article shows, first, that in the cases in which the Commission claims it has found an Innovation Space, most particularly Dow/Dupont and Bayer/Monsanto, it has actually found a Future Market. Further, when the Commission protects competition in a Future Market it applies the same analytical framework as its American counterparts. To analyse the Future Market the Commission applies the Future Markets Model. Then, after balancing all appropriate variables, it will, just like its Amerian counterparts, act to protect competition in the Future Market if it believes the need to do so is more than 'speculative'. The Commission will thus act, when it believes it must, to ensure that the Future Market remains competitive. And it assumes that the competitive pressures it is preserving will drive firms to innovate. This is how the Commission has always protected competition to innovate. And, despite what it says in its Market Definition Notice, all it can do.

Strategic Foresight and EU Competition Law
Competition law wants to protect competition in the long term to the ultimate benefit of consumers. This requires thinking about and shaping the markets of tomorrow. Strategic foresight represents a powerful tool at the disposal of competition authorities that need to engage in prospective analyses, set priorities in line with their long-term strategic goals and devise pertinent soft law guidance for future enforcement. But what is strategic foresight? What are its limits, and how could it be incorporated into competition law and policy? In this primer on strategic foresight and European Union (EU) competition law, we sketch areas of competition law that could benefit from incorporating strategic foresight, while also setting out the related challenges, including satisfying the standard of proof and allocating limited resources.

Vietnamese Merger Law: Missed Opportunities in Applying the Potential Competition Theory
Potential competition theory is widely used all over the world. Notably, it plays a crucial role in merger regulation. In Vietnam, competition law is gradually moving towards an effects-based approach. However, this approach is applied inconsistently, with the law sometimes providing only minimal guidance or even staying silent altogether. It therefore remains a topical issue, leading to an ineffective mechanism to effectively catch mergers that could possibly impact competition. This article begins with a review of the potential competition theory, before examining merger control in other jurisdictions, particularly US antitrust law and enforcement, from which the potential competition theory supposedly stems and where it is effectively applied. The article then highlights certain aspects that Vietnam should explore in order to address existing problems and, more importantly, to implement a functional regime to mitigate the harmful effects of mergers. These recommendations include factors and proven methods applied to enhance the analytical framework for merger assessment.

Iranian Competition Law: A Law and Economics Analysis in Light of General Principles of Competition Law
The foundation of global market competition rests on the three principles of efficiency, market fairness, and economic integration. The success of domestic markets in effectively participating in this global competition depends significantly on the ability of their legal systems to promote these core principles. This study analyses the Iranian competition legal framework in light of these principles, employing insights from law and economics. The evaluation of this legal framework against efficiency and fairness suggests broad alignment. While a number of legal provisions need either clearer interpretation or amendment to ensure more consistent practical outcomes, this body of law seeks overall to uphold the requirements of fair competition and prohibit behaviours that undermine efficiency and fairness in the market. The situation is different with respect to alignment with economic integration. The integration of Iran's domestic markets into global markets is hindered more by policies that restrict openness to global markets than by shortcomings in the competition law. Achieving this integration requires a shift in Iran's macroeconomic policies towards the promotion of economic convergence.

Artikler fra Antitrust Law Journal

Intet nyt.

Artikler fra Antitrust Bulletin

Volume 70, Issue: 2, juni 2025:

Deciphering the Purpose(s) of Indian Competition Law: Where Does India Stand in the Neo-Brandeisian Debate?
Most jurisdictions with a long history of antitrust like the US and the EU have debated the purpose of their respective competition laws ad nauseam. The Neo-Brandeisian movement has once again brought this esoteric debate to the fore. The Indian competition regulator has also followed in the footsteps of its foreign counterparts and initiated several investigations against Big Tech platforms using non-price-based theories of harm. Despite this active regulatory trend, the purpose of Indian competition law has not been studied in any depth, creating a jurisprudential lacuna which threatens to result in principally unpredictable and theoretically incompatible precedents. My paper fills this lacuna by tracing the evolution of Indian competition law starting with the Constitution and Constituent Assembly Debates (1947–1950s) which remained extremely wary of private monopolies; to the Monopolies Commission era (1965–1980s) which reluctantly tolerated monopolies due to their potential to act as 'domestic champions'; to the Raghavan Committee (1990s-present) which in the post-Washington Consensus era enacted an almost neoliberal Competition Act. For each of these phases, the paper examines the purpose of Indian competition law along three metrics, namely, whether the law was intended to discourage concentration per se, whether non-economic factors were relevant to competition assessment, and the range of economic factors that were relevant to competition assessment. With the passing of a new amendment and the proposed Digital Competition Act, competition enforcement in India seems to be at the cusp of a new era. The paper concludes by arguing for a National Competition Policy which would outline regulatory objectives and enforcement priorities for this new era. The paper thus illuminates the historical and contemporary Indian perspective on

the ongoing global conversation about the purpose of competition law. India's experimentation with a wide range of regulatory objectives and enforcement approaches (ranging from monopoly control and planned economy to laissez-faire) offers lessons for posterity and also for other similarly situated countries.

Decoding the Material Influence Test: Implications on M&A Activity in India
The Competition Commission of India (CCI) has a crucial role to play in reviewing, approving, modifying, or rejecting M&A transactions that are anticompetitive. M&A activity saw a huge increase in 2022 in India. However, high interest rates, and political uncertainty led to slump in M&A activity early 2024. The Parliament has passed various amendments to the Competition Act, 2002. One of the major amendments is the change in the standard of "control" from decisive influence to material influence standard. The material influence test, as adopted by the CCI, has various shortcomings. The authors, through this paper, highlight the impact of the material influence test on M&A in India and showcase the various shortcomings of this test. The authors conclude by providing a few suggestions as to how the CCI should approach the ambiguous position pertaining to "control," keeping in mind its impact on M&A activity.

Reining in Smartphone Ecosystems and App Stores: A Critique of the Japanese Smartphone Act in Comparison to EU and U.S. Regulatory Approaches
In June 2024, Japan enacted the Act on Promotion of Competition for Specified Smartphone Software, a new legislative measure aimed at regulating smartphone ecosystems. This article examines and compares the Act, commonly known as the "Japanese Smartphone Act," to the European Union (EU) and U.S. regulatory approaches. The examination begins with the neutrality principle, which serves as the foundation of the Act, concluding that this principle should be refrained from since it prevents platform operators from governing their platforms. Next, the examination addresses regulations against unfair and exploitative conduct toward app providers, concluding that such conduct should be subject to regulation under competition law, adhering to the rule of reason principle. Finally, the examination outlines measures to facilitate app store openness, cautioning against micromanaging smartphone design details by regulators. It recommends that instead of ex ante rules, competition law should govern smartphone ecosystems.

The Over-Deterrence Risks of the Refusals to Deal and Price Squeeze Tests and the Options of Vertically Integrated Monopoly
When a vertically integrated monopolist (VIM) is the only supplier of an input used by firms in a downstream market and competes with its rival in this downstream market, the VIM has to decide its downstream product price and its input price when the upstream market is not regulated. Since the rival must buy the input from the VIM in order to produce and sell its product, the pricing decisions of the VIM might raise the concern of refusals to deal or price squeeze. I fill the gap of the literature by showing that both the as-efficient competitor (AEC) and the protected profits benchmark (PPB) could suffer from over-deterrence risks when both markets are unregulated.

Artikler fra Competition Law and Policy Debate

Intet nyt.

Artikler fra Competition Law Scholars Forum

Intet nyt.

Artikler fra Journal of Regulatory Economics

Volume 67, Issue: 1-3, juni 2025:

Net neutrality and regulation on the internet access
We analyze the welfare implication of net neutrality that regulates the price of the last-mile access to consumers provided by local Internet service providers (ISPs). The model highlights a vertical relationship between local ISPs and large content providers, called Content Network Platforms (CNPs), who serve as intermediaries between consumers and content providers (CPs). The welfare implication of regulation on Internet-access termination fee depends on the relationship between ISPs and CNPs and its impact on consumer demand for the Internet. Regulation improves welfare if no platform has dominance. If ISPs have a dominant factor in determining the consumer demand, net neutrality improves welfare for a sufficiently price-responsive demand. However, if CNPs hold a dominant factor to determine the consumer demand, regulation strengthens CNPs' market power and a significant increase in network externality is needed to improve welfare.

Mandated MVNO access and MNO investment in mobile network markets: evidence from Germany and Spain
This article examines the effect of access obligation on mobile network investment. Access obligation is a form of regulated network access in wholesale markets that commits Mobile Network Operators (MNOs) to grant non-discriminatory access to Mobile Virtual Network Operators. While it is often claimed that such regulation might lower investment incentives of MNOs, this assertion has not yet been assessed by appropriate econometric methods. We implement an empirical Difference-in-Differences framework to investigate the link between access obligation and mobile network investment in Germany, where access obligation had been implemented for the 3G technology (but not for 4G and 5G), and in Spain, where access obligation had been introduced as a remedy for joint significant market power. Contrary to common claims, our results show that access obligation has not lowered mobile network investment in Germany and indeed increased investment in Spain.

Moving beyond the negative effect of the regulation of entry: Disentangling causality in new venture creation decisions
How and to what extent can entry regulations today still affect start-up decisions across regions and countries before formal new venture creation? This study draws on an overarching institutional framework and conducts two experiments in which we uniquely subject 634 Belgian, Dutch and German nascent entrepreneurs to multiple real regulatory scenarios for starting a new limited liability company. By disentangling how and to what extent different entry regulations and particular components of the regulation of entry can impact start-up decisions across regions, the experiments provide new very granular insights to move beyond existing knowledge about the negative association between entry regulations and new venture creation. Next to this, interestingly, after several robustness analyses, in both experiments, regional and informal institutional factors do not moderate the negative impact of the regulation of entry. In other words, across regions in this study, nascent entrepreneurs do not react significantly differently to the impact of different regulatory start-up conditions. We discuss how these results contribute to the regulatory institutions and entrepreneurship literature and address policy implications.

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

Intet nyt.

Artikler fra Competition Law Journal

Volume 23, Issue: 4, juni 2025:

Reflections of the first five years of the Competition Act 1998
The coming into force of the Competition Act 1998 in March 2000 transformed the role and nature of the Office of Fair Trading. This article reviews the first abuse of dominance cases – Napp Pharmaceuticals and Aberdeen Journals – and collusion cases, notably Toys and Games and Football Shirts. While OFT infringement decisions were largely upheld by the Competition Appeal Tribunal, some non-infringement decisions were not. The early years were characterized by complete independence from Ministers but intense judicial scrutiny from the Tribunal, which, in hindsight, was a blessing in disguise.

The pitfalls of selective distribution: the UK Competition Appeal Tribunal's judgment in Up & Running v. Deckers
In a recent judgment, the Competition Appeal Tribunal ruled that a manufacturer's refusal, under its online sales policy, to allow an authorized retailer in a selective distribution system to sell branded running shoes on a second website that did not refer to the retailer's brand name amounted to a by object infringement of competition law. Despite both parties having low market shares, the Tribunal held that the online sales policy contained hardcore restrictions, taking the arrangement outside the protection of the Vertical Block Exemption safe harbour. The case marks the first time since the UK's departure from the EU that a UK court has considered the application of competition law to a selective distribution

system. The Tribunal's emphasis, in assessing the existence of an infringement, on the importance of a selective distribution system having a legitimate aim and being applied consistently in practice raises important legal and practical implications for the operat... Show More

Green agreements or climate cartels? The impact of competition authorities' divergent enforcement approaches on sustainability agreements
This article explores the divergent and diverging approach to sustainability agreements in the EU, UK and US, and the practical impact of this on businesses. After considering the underlying debate around the role of competition policy in relation to sustainability, it analyses the written sustainability guidelines and informal guidance policies adopted by the European Commission and the Competition and Markets Authority (highlighting key similarities and differences), before setting out the contrasting approach taken by the antitrust authorities in the US. This article concludes by focusing on the practical impact of this divergence on businesses and providing the authors' thoughts on where to go from here.

Artikler fra European Competition and Regulatory Law Review

Intet nyt.

Artikler fra Communications Law

Volume 30, Issue: 1, 2025:

(Mis)shaping political discourse? False information, elections and social media (Editorial)
Abstract: Comments on the impact on global democracy of the false information-for-profit market, with particular reference to the use of social media by Donald Trump and Elon Musk.

Extending outsourcing contracts
Abstract: Discusses the regulation of extended IT outsourcing contracts. Explores the legal, contractual and business challenges posed by such contracts. Makes best practice recommendations.

Why are journalistic ethics often ignored when celebrities die?
Abstract: Describes, with reference to media guidelines and ethics, the precautions which journalists need to take when reporting on sudden, tragic and unexpected deaths of famous people.

Private information and disciplinary investigation (Case Comment)
Abstract: Considers Duke v Moores (KBD) striking out claims for misuse of private information and data protection infringement, brought by a teacher whose social media communications were accessed during a disciplinary investigation which resulted in his dismissal for gross misconduct, on the basis that the teacher's expectations of privacy were outweighed by the need to investigate as part of the disciplinary process.

Jurisdiction, service out and the single publication rule (Case Comment)
Abstract: Reviews Parish v Wikimedia Foundation Inc (KBD) on: whether to set aside an order granting permission to serve a libel claim, relating to an article published on Wikipedia, out of the jurisdiction; and the application of the single publication rule under the Defamation Act 2013 s.8 where two versions of the page had been published, but were not "materially different".

"Peedo" and serious harm (Case Comment)
Abstract: Examines Oliver v Duffy (KBD) finding that the claimant, who alleged that the defendant called him a "paedophile" in a pub, had not made out a claim for slander nor proved special damage, and the defendant's words about him were not defamatory within the meaning of the Defamation Act 2013 s.1 where he had not proved that they had caused serious harm to his reputation.

Section 12 and 13 orders (Case Comment)
Abstract: Considers Northcott v Hundeyin (KBD) granting orders in relation to the remedies under the Defamation Act 2013 ss.12 and 13, requiring the removal of libellous content and the publication of a summary of the judgment, after a BBC journalist and filmmaker succeeded in an action against an investigative journalist who had made false allegations against him in an online article.

Artikler fra Computer and Telecommunications Law Review

Intet nyt.

Artikler fra Global Competition Litigation Review

Volume 18, Issue: 2, 2025:

The saw on the Legal Services Act: principle of effectiveness and claim bundling in cartel damages proceedings - case note on ASG 2 Ausgleichsgesellschaft für die Sägeindustrie
Abstract: Reviews ASG 2 Ausgleichsgesellschaft fur die Sageindustrie Nordrhein-Westfalen GmbH v Land Nordrhein-Westfalen (C-253/23) (ECJ) on whether German legislation preventing group actions (claim bundling) in a cartel damages action may violate EU law by preventing the effective enforcement of EU rights.

The private enforcement of EU competition law: the mixed implications of the ASG2 ruling for collective damages actions in the Member States
Abstract: Discusses whether ASG 2 Ausgleichsgesellschaft fur die Sageindustrie Nordrhein-Westfalen GmbH v Land Nordrhein-Westfalen (C-253/23) (ECJ) clarifies the private enforcement of EU competition law rules through collective redress proceedings at EU and national level. Considers the case's implications.

Collective redress and private enforcement of competition law: a comparative approach between the EU and Brazil
Abstract: Compares the approaches of Brazil and the EU to collective redress for consumers under their antitrust regimes, highlighting key features of Directive 2020/1828 and issues that may hinder consumer protection. Notes the main elements of Brazil's regime and possible improvements in both jurisdictions.

Dawn for a new antitrust litigation era in China?
Abstract: Discusses developments in Chinese competition law reducing the burden of proof in antitrust claims. Examines the reasons for such a reduction, and the ways it is achieved, including a reversal of the burden of proof, allowing reformulation of claims, and amendments to joint and several liability.

Artikler fra Market and Competition Law Review

Intet nyt.

Andre udenlandske artikler

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