Konkurrenceretlig Nyhedsoversigt nr. 104 / dækkende 7. juli 2025 – 5. august 2025

Indhold

1 | DANSK RET

Nyt fra Konkurrence- og Forbrugerstyrelsen

Godkendelse på baggrund af en forenklet sagsbehandling af AGI og NREP's etablering af et selvstændigt fungerende joint venture
Konkurrence- og Forbrugerstyrelsen modtog den 4. juli 2025 en forenklet anmeldelse af et joint venture mellem AG Investments A/S' ("AGI") og NREP NSF V Holding 2 S.à.r.l.'s ("NREP").
Læs mere
Dato: 11/07/2025

Godkendelse på baggrund af en forenklet sagsbehandling af Tritons's erhvervelse af enekontrol over Prenax
Konkurrence- og Forbrugerstyrelsen modtog den 7. juli en forenklet anmeldelse af en fusion mellem Pavlova BidCo AB ("Pavola BidoCo") og PX Top SAS ("Prenax").
Læs mere
Dato: 09/07/2025

Godkendelse på baggrund af en forenklet sagsbehandling af Cérélia Participation Holding SAS' erhvervelse af enekontrol over Humlum AS
Konkurrence- og Forbrugerstyrelsen modtog den 4. juli 2025 en forenklet anmeldelse af Cérélia Participation Holding SAS' ("Cérélia") erhvervelse af enekontrol over Humlum A/S ("Humlum").
Læs mere
Dato: 8/07/2025

Nyt fra Konkurrencerådet

Intet nyt.

Nyt fra Konkurrenceankenævnet

Intet nyt.

Nyt fra domstolene

Civilretlige afgørelser

UfR: 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 (BS-46057/2023-HJR). 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: 22/06/2025

Straffesager
Intet nyt.

Lovforslag i høring

Intet nyt.

Ny lovgivning

Intet nyt.

Nyt fra Ankestyrelsen

Tilsynsudtalelse om Lyngby-Taarbæk Kommunes mulighed for at overtage ejerskabet eller vedligeholdelsen af de privatejede arealer langs Den Grønne Sti i Virum
Lyngby-Taarbæk Kommune har den 27. februar 2023 bedt Ankestyrelsen om en udtalelse om, hvorvidt det vil være i overensstemmelse med kommunalfuldmagtsreglerne, at kommunen enten overtager ejerskabet af de grønne arealer langs Den Grønne Sti eller fremover forestår vedligeholdelsen af de privatejede arealer vederlagsfrit.
Det er Ankestyrelsens opfattelse, at en vederlagsfri overdragelse af arealerne langs Den Grønne Sti fra de private grundejere til Lyngby-Taarbæk Kommune med det formål også fremover at opretholde de grønne arealer som et rekreativt, grønt og offentligt tilgængeligt område, vil være i overensstemmelse med kommunalfuldmagtsreglerne, uanset om kommunen herved påtager sig en løbende udgift til vedligeholdelse af arealerne.
Læs mere
Dato: 26/05/2025

Tilsynsudtalelse om kommunens mulighed for at give økonomisk trængte unge tilskud til deres egenbetaling af Ungdomskortet med hjemmel i kommunalfuldmagtsreglerne
Sønderborg Kommune har den 2. marts 2023 skrevet til Ankestyrelsen. Kommunen har bedt Ankestyrelsen om en forhåndsudtalelse om, hvorvidt kommunen med hjemmel i kommunalfuldmagtsreglerne kan oprette en pulje, hvor økonomisk trængte unge kan søge om tilskud til deres egenbetaling af Ungdomskortet.
Ankestyrelsen vurderer på det foreliggende grundlag, at det ikke vil være i overensstemmelse med kommunalfuldmagtsreglerne, hvis Sønderborg Kommune giver økonomisk trængte unge støtte til egenbetalingen af Ungdomskortet.
Læs mere
Dato: 22/07/2025

Andet

Intet nyt.

2 | EUROPÆISK OG INTERNATIONAL RET

Nyt fra Kommissionen

Antitrust & Cartels

Commission accepts commitments by Corning to ensure competition in the supply of cover glass for handheld electronic devices
The European Commission has made commitments offered by Corning legally binding under EU antitrust rules. The commitments address the Commission's competition concerns over Corning's conclusion of allegedly anticompetitive exclusive agreements for the supply of Alkali-aluminosilicate glass ('Alkali-AS Glass'), a special type of glass mainly used as cover glass in smartphones and other handheld electronic devices.
Læs mere
Dato: 18/07/2025

Commission issues first opinion on the compatibility of a sustainability agreement in the French wine sector with competition rules for agriculture
The Commission issued today its first opinion regarding the compatibility of a sustainability agreement with competition rules for the agricultural sector. The opinion concerns an agreement on the setting of indicative prices for wine produced in accordance with the standards for organic and for Haute Valeur Environnementale ('HVE') wines, in the French region of Occitanie. The envisaged agreement is between producers of wine meeting these standards and buyers of such wine, to guide bulk wine transactions. The objective is to incentivise the relevant producers to maintain their sustainable production practices.
Læs mere
Dato: 15/07/2025

Commission seeks feedback for the revision of EU antitrust enforcement framework
The European Commission is launching today a Call for Evidence and a public consultation inviting stakeholders to give feedback on the future of the EU procedures for the application of EU competition rules. Based on the results of the evaluation, completed in September 2024 with the publication of a Staff Working Document, the Commission has decided to launch the process for revising the relevant rules, notably with the aim of keeping up with transformative changes such as digitalisation of the economy. All interested stakeholders can express their views by 2 October 2025.
Læs mere
Dato: 10/07/2025

Commission provides guidance on the creation of a licensing negotiation group in the automotive sector for the licensing of standard essential patents
The European Commission has issued an informal guidance letter to provide antitrust guidance for the creation of a licensing negotiation group in the automotive sector (the Automotive Licensing Negotiation Group or 'ALNG') that would negotiate licences to use technologies covered by standard essential patents ('SEPs'). With this guidance letter, the Commission aims to contribute to increasing the competitiveness of the EU's automotive sector, as set out in the context of the Industrial Action Plan for the European Automotive sector put forward in March 2025.
This letter is issued at the same time as another one addressed to APM Terminals, (a global port terminal operator and unit of shipping group Maersk) regarding an agreement for the joint purchasing and setting of minimum technical specifications for container-handling equipment used in ports. These are the first guidance letters the Commission issued under the Notice on Informal Guidance of 2022. This Notice allows businesses to seek informal guidance from the Commission on the application of EU competition rules to novel or unresolved questions, helping them making an informed assessment of their agreements or unilateral practices.
Læs mere
Dato: 09/07/2025

Commission provides guidance on sustainability agreement to reduce CO2 emissions in European ports
The European Commission has issued informal guidance on the compatibility with EU competition rules of a sustainability agreement for the joint purchasing and the setting of technical specifications for electric container-handling equipment used in ports. This would accelerate the shift from diesel to electric equipment in EU ports, contributing to reducing CO2 emissions.
This informal guidance letter is issued at the same time as another one regarding a licensing negotiation group in the automotive sector. These are the first guidance letters the Commission issued under the revised Notice on Informal

Guidance of 2022. This Notice allows businesses to seek informal guidance from the Commission on the application of EU competition rules to novel or unresolved questions, helping them making an informed assessment of their agreements or unilateral practices.
Læs mere
Dato: 9/07/2025

Mergers

Commission opens formal investigation for possible breach of the duty to supply correct information in merger investigation of KKR/NetCo transaction
The European Commission has opened a formal investigation to determine whether, during the merger investigation of the acquisition by KKR & Co. Inc. ('KKR') of NetCo, KKR provided incorrect or misleading information to the Commission. KKR is a global investment firm that offers alternative asset management as well as capital markets and insurance solutions. NetCo comprises the primary and backbone fixed-line network business of Telecom Italia S.p.A. ('TIM'), i.e. broadband infrastructure connecting the central office to the street cabinet, as well as FiberCop S.p.A ('FiberCop'). FiberCop was a joint venture between TIM and KKR that included TIM's secondary fixed-line network, i.e. the broadband infrastructure connecting street cabinets and end users' premises.
Læs mere
Dato: 24/07/2025

Commission opens in-depth investigation into the proposed acquisition of Downtown by UMG
The European Commission has opened an in-depth investigation to assess, under the EU Merger Regulation, the proposed acquisition of Downtown by Universal Music Group ('UMG'). The Commission has preliminary concerns that the transaction may allow UMG to reduce competition in the wholesale market for the distribution of recorded music in the European Economic Area ('EEA') by acquiring commercially sensitive data of its rival record labels. The Commission is also preliminarily concerned that the transaction may allow UMG to reduce competition in the market for the supply of artist and label ('A&L') services in the EEA by removing an important competitive force. A&L services consist mainly of distribution services to third-party labels and artists, including monetisation, marketing and promotion as well as data analytics and management.
Læs mere
Dato: 22/07/2025

Commission sends Statement of Objections to Vivendi for possible breach of EU merger rules by implementing the acquisition of Lagardère before merger approval
The European Commission has informed Vivendi of its preliminary view that the company breached the notification requirement and the 'standstill obligation' set out in the EU Merger Regulation ('EUMR'), as well as the conditions and obligations attached to the Commission's decision of 9 June 2023 to clear the Vivendi/Lagardère transaction.
Under the EUMR, a concentration with an EU dimension has to be notified to the Commission (Article 4 of the EUMR) and must not be implemented until it has been approved by the Commission ('standstill obligation' - Article 7 of the EUMR). In addition, in the context of a conditional clearance, the Commission attaches to its decision conditions and obligations intended to ensure that the companies comply with the commitments they have entered into to obtain the Commission's clearance of the transaction (Article 8 of the EUMR). On 25 July 2023, the Commission opened a formal investigation to determine whether, when acquiring Lagardère, Vivendi breached the above-mentioned provisions, which are designed to prevent the potentially irreparable negative impact of transactions on competition in the Single Market.
Læs mere
Dato: 18/07/2025

Commission approves Brasserie Nationale's acquisition of Boissons Heintz, subject to conditions
The European Commission has approved, under the EU Merger Regulation ('EUMR'), the proposed acquisition of sole control of Boissons Heintz S.à.r.l. ('Boissons Heintz') by Munhowen S.A. ('Munhowen'), a wholly owned subsidiary of Brasserie Nationale S.A. ('Brasserie Nationale'). The approval is conditional upon full compliance with the commitments offered by the companies.
Læs mere
Dato: 17/07/2025

State Aid

Commission approves €300 million Swedish strategic reserve to support security of electricity supply
The European Commission has approved, under EU State aid rules, a Swedish €300 million strategic electricity reserve to safeguard security of electricity supply in emergency situations. The strategic reserve is a type of capacity mechanism that remunerates resources held outside the market and used in cases of emergency when the electricity demand exceeds the available supply, which in Sweden occur in winter months.
Læs mere
Dato: 29/07/2025

Commission approves €36 million Danish State aid scheme to boost use of sustainable aviation fuel
The European Commission has approved, under EU State aid rules, a €36 million (DKK 268 million) Danish measure aimed at reducing greenhouse gas emissions in the domestic aviation sector. This will be achieved through encouraging the use of sustainable aviation fuel ('SAF') for domestic flights. This is the first State aid scheme approved by the Commission that promotes the use of SAF and represents a significant step towards decarbonising the aviation sector, aligning with both national and EU climate objectives.
Læs mere
Dato: 29/07/2025

Commission opens in-depth State aid investigation into Polish support to MAN Trucks for factory capacity extension
The European Commission has opened an in-depth investigation to assess whether investment aid that Poland granted to MAN Trucks Sp. z o. o. ('MAN Trucks') for extending the capacity of its existing factory in Niepołomice is in line with EU State aid rules. MAN Trucks, a manufacturer of light/mid-weight and heavy trucks, is part of the MAN Group and the Volkswagen Group.
Læs mere
Dato: 28/07/2025

Commission approves up to €403 million of State aid by five Member States for the second Important Project of Common European Interest in the healthcare sector
The European Commission has approved, under EU State aid rules, the second health-related Important Project of Common European Interest ('IPCEI') to support innovations in medical devices. This includes the introduction of novel digital and artificial intelligence ('AI') features in medical devices. The IPCEI will support collaborative research and innovation, as well as the first industrial deployment of these frontier technologies.
Læs mere
Dato: 22/07/2025

Commission approves Greek funding for the construction of part of Cretan motorway
The European Commission has approved, under EU State aid rules, a Greek support measure for the construction of two motorway sections of the northern road axis of the island of Crete, called BOAK. The aid will allow the completion of this part of the Trans-European Road Network and promote Crete's economic development without unduly distorting competition. Part of the funding comes from the Recovery and Resilience Facility ('RRF'). Greece notified the Commission of its plans to grant aid to help financing the construction of the Chania-Hersonissos section of the motorway, which is 106 km long. The project also includes a possibility for the construction of the Kissamos-Chania section, which is 30 km long. The project forms part of a wider plan to upgrade BOAK, which is the main road infrastructure of Crete, with a total length of about 300 km.
Læs mere
Dato: 18/07/2025

Commission seeks input on review of the State aid General Block Exemption Regulation
The European Commission has today launched a Call for Evidence and public consultation to seek input on the scope and content of its review of the General Block Exemption Regulation ('GBER'). The aim of the review is to reduce red tape for businesses as well as for Member States, and facilitate necessary support for industry. At the same time, EU State aid rules should continue protecting the level playing field within the EU.
Interested parties can reply to the questionnaire available here, until 6 October.
Læs mere
Dato: 14/07/2025

Andet

Commission's services sign arrangement with Japan Fair Trade Commission with common goal of promoting contestability, competition and fairness in digital markets
Today, Director-General of DG CNECT Roberto Viola and Director-General of DG COMP Olivier Guersent, representing the European Commission services responsible for the implementation of the Digital Markets Act (DMA), have signed a first of its kind Cooperation Arrangement with the Japan Fair Trade Commission, responsible for the implementation of Japan's Mobile Software Competition Act, represented by Secretary-General Hiroo Iwanari. The Arrangement is signed in the context of the EU-Japan Digital Partnership. This arrangement strengthens the relationship between the two authorities, enhancing the sharing of best practices and expertise in support of the common goal of promoting contestability, competition and fairness in digital markets.
Collaboration with international partners enables the EU to share and benefit from expertise in the complex and rapidly evolving area of digital markets, while also strengthening its ties with like-minded partners. This arrangement enables such cooperation and complements existing structures to facilitate exchanges between the European Commission and other competent authorities in the supervision of digital markets.
Læs mere
Dato: 23/07/2025

Nyt fra EU-domstolen

Domme

C-514/23 - Tiberis Holding
Nøgleord:

» Præjudiciel forelæggelse – miljø – fremme af anvendelsen af energi fra vedvarende energikilder – direktiv 2009/28/EF – artikel 3 – direktiv (EU) 2018/2001 – artikel 4 – nationale incitamenter til produktion af energi fra vedvarende energikilder – støtteordning – statsstøtte – artikel 108 TEUF – Europa-Kommissionens enekompetence til at træffe afgørelse om støtteforanstaltningers forenelighed med det indre marked – Kommissionens afgørelse, hvorved det fastslås, at en sådan støtteordning er forenelig med det indre marked – søgsmål anlagt ved en national ret af en modtager af støtte i henhold til den pågældende ordning til prøvelse af et element i den nævnte ordning, der er uløseligt forbundet med dens funktion – afvisning inden for rammerne af dette søgsmål af en anmodning om præjudiciel afgørelse vedrørende fortolkningen af de pågældende bestemmelser i disse direktiver «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 3 i Europa-Parlamentets og Rådets direktiv 2009/28/EF af 23. april 2009 om fremme af anvendelsen af energi fra vedvarende energikilder og om ændring og senere ophævelse af direktiv 2001/77/EF og 2003/30/EF (EUT 2009, L 140, s. 16) og af artikel 4 i Europa-Parlamentets og Rådets direktiv (EU) 2018/2001 af 11. december 2018 om fremme af anvendelsen af energi fra vedvarende energikilder (EUT 2018, L 328, s. 82).
Anmodningen er blevet indgivet i forbindelse med en tvist mellem Tiberis Holding Srl (herefter »Tiberis«), på den ene side, og Gestore dei servizi energetici (GSE) SpA, Ministero dello Sviluppo Economico (ministeriet for økonomisk udvikling, Italien) og Ministero dell'ambiente e della sicurezza energetica (ministeriet for miljø og energiforsyningssikkerhed, Italien), på den anden side, vedrørende fakturaer, hvorved GSE anmodede Tiberis om til GSE at tilbagebetale en del af den støtte, som Tiberis havde modtaget i medfør af en incitamentsordning for produktion af elektricitet fra andre vedvarende energikilder end solcelleenergi.

Dom:

Da sagens behandling i forhold til hovedsagens parter udgør et led i den sag, der verserer for den forelæggende ret, tilkommer det denne at træffe afgørelse om sagsomkostningerne. Bortset fra nævnte parters udgifter kan de udgifter, som er afholdt i forbindelse med afgivelse af indlæg for Domstolen, ikke erstattes.
På grundlag af disse præmisser kender Domstolen (Fjerde Afdeling) for ret: Anmodningen om præjudiciel afgørelse indgivet af Consiglio di Stato (øverste domstol i forvaltningsretlige sager, Italien) ved afgørelse af 8. august 2023 afvises.
Læs mere
Dato: 1/08/2025

T-84/22 - UBS Group m.fl. mod Kommissionen
Nøgleord:

(Competition – Agreements, decisions and concerted practices – Sector of Foreign Exchange (Forex) spot trading of G10 currencies – Decision finding an infringement of Article 101 TFEU and Article 53 of the EEA Agreement – Exchanges of information – Agreements or concerted practices relating to G10 foreign exchange activities – Restriction of competition by object – Single and continuous infringement – Principle of sound administration – Rights of the defence – Fines – Basic amount – Proxy for value of sales – Article 23(2) and (3) of Regulation (EC) No 1/2003 – Unlimited jurisdiction)

Tvist:

By their action under Article 263 TFEU, the applicants, UBS Group AG, the successor in law to Credit Suisse Group AG, UBS AG ('UBS'), the successor in law to Credit Suisse AG, and Credit Suisse Securities (Europe) Ltd, seek, first, annulment of Commission Decision C(2021) 8612 final of 2 December 2021 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (Case AT.40135 – FOREX (Sterling Lads)) ('the contested decision') and, secondly, the reduction of the amount of the fine which, in that decision, was imposed jointly and severally on Credit Suisse Group, Credit Suisse and Credit Suisse Securities (Europe) (together, 'Credit Suisse').

Dom:

THE GENERAL COURT (Seventh Chamber) hereby:
1. Annuls Article 2(a) of Commission Decision C(2021) 8612 final of 2 December 2021 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (Case AT.40135 – FOREX (Sterling Lads));
2. Sets the amount of the fine for which UBS Group AG – the successor in law to Credit Suisse Group AG –, UBS AG – the successor in law to Credit Suisse AG – and Credit Suisse Securities (Europe) Ltd are jointly and severally liable at EUR 28 920 000.
3. Dismisses the action as to the remainder.
4. Orders each party to bear its own costs.
Læs mere
Dato: 23/07/2025

Forslag til afgørelse

C-514/23 - Tiberis Holding
Nøgleord:

» Præjudiciel forelæggelse – miljø – fremme af anvendelsen af energi fra vedvarende energikilder – direktiv 2009/28/EF – artikel 3 – direktiv (EU) 2018/2001 – artikel 4 – nationale incitamenter til produktion af energi fra vedvarende energikilder – salg af energi på det frie marked – støtteordning – forskellige foranstaltninger til gennemførelse af støtten alt efter produktionsanlæggenes størrelse – adgang til incitamentsmekanismen via en ordning med optagelse i et register – tilbagebetaling af beløb, der er højere end incitamentets værdi i tilfælde af stigninger i markedsprisen på energi (den såkaldte mekanisme med negativt incitament) – Kommissionens beslutning om ikke at gøre indsigelse – forenelighed med disse direktiver – formaliteten «

Tvist:

Den foreliggende anmodning om præjudiciel afgørelse vedrører fortolkningen af artikel 3 i direktiv 2009/28/EF og artikel 4 i direktiv (EU) 2018/2001 (2) om fremme af anvendelsen af energi fra vedvarende energikilder, der hver især bestemmer, at medlemsstaterne, under overholdelse af visse principper, bl.a. kan iværksætte støtteordninger for at nå deres mål for produktion af elektricitet fra vedvarende energikilder. Baggrunden for anmodningen er en tvist vedrørende en specifik foranstaltning til gennemførelse af en statsstøtteordning vedtaget af Italien med henblik på at fremme elektricitet fra vedvarende energikilder mellem på den ene side Tiberis Holding Srl (herefter »Tiberis«) og Gestore dei servizi energetici (GSE) SpA (operatøren for energitjenester, Italien, herefter »GSE«), Ministero dello Sviluppo Economico (ministeriet for økonomisk udvikling, Italien) og Ministero dell'ambiente e della sicurezza energetica (ministeriet for miljø og energiforsyningssikkerhed, Italien).
Den foreliggende sag giver Domstolen lejlighed til at udtale sig om forholdet mellem en afgørelse fra Europa-Kommissionen om godkendelse af en støtteordning til produktionen af vedvarende energi, de forpligtelser, der er forbundet med de incitamenter, som medlemsstaterne skal gennemføre i henhold til direktiv 2009/28 og direktiv

2018/2001 – der erstattede dette direktiv, men som indeholder tilsvarende bestemmelser – samt omfanget af de nationale retters beføjelser, når de skal træffe afgørelse i sager, hvor det gøres gældende, at visse foranstaltninger til gennemførelse af de statsstøtteordninger, som Kommissionen tidligere har godkendt, er uforenelige med disse direktiver.

Forslag til afgørelse:

På grundlag af det ovenfor anførte foreslår jeg, at Domstolen besvarer det præjudicielle spørgsmål, som Consiglio di Stato (øverste domstol i forvaltningsretlige sager, Italien) har forelagt, således: »Artikel 107 TEUF og 108 TEUF skal fortolkes således, at disse bestemmelser er til hinder for, at en national ret foretager en vurdering af, om mekanismen med negativt incitament i en eksisterende støtteordning er forenelig med artikel 3 i Europa-Parlamentets og Rådets direktiv 2009/28/EF af 23. april 2009 om fremme af anvendelsen af energi fra vedvarende energikilder og om ændring og senere ophævelse af direktiv 2001/77/EF og 2003/30/EF og artikel 4 i Europa-Parlamentets og Rådets direktiv (EU) 2018/2001 af 11. december 2018 om fremme af anvendelsen af energi fra vedvarende energikilder, når denne mekanisme er uløseligt forbundet med støtteordningen, som tidligere er blevet godkendt af Europa-Kommissionen, for så vidt som den er nødvendig for gennemførelsen af denne ordnings formål eller forvaltning.
Læs mere
Dato: 02/06/2025

Kendelse

Intet nyt.

Andet nyt fra EU-domstolen

Intet nyt.

Andet internationalt nyt

Intet nyt.

3 | LITTERATUR (DK)

Artikler fra UfR

Intet nyt.

Nye publikationer fra Erhvervsministeriet

Nye milliardinvesteringer skal booste Europas grønne industri
Europas vækst er truet af manglende adgang til risikovillig finansiering og høje energipriser. Mario Draghi konkluderer i sin rapport, at virksomheder i EU betaler to-fire gange så meget for energi som konkurrenter i USA og Kina, og det går hårdt ud over konkurrenceevnen. Med en stribe låne- og garantiordninger vil Den Europæiske Investeringsbank, EIB, nu afsætte yderligere 31,5 mia. kr. til Europas grønne industrivirksomheder, der kan vende udfordringerne til muligheder og job i Europa. Pengene fra ordningerne forventes at generere investeringer for mere end 135 mia. kr. i EU's grønne fremtid.
Læs mere
Dato: 18/07/2025

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.

Anden dansk og nordisk litteratur

Intet nyt.

4 | LITTERATUR (UK)

Artikler fra European Competition Law Review

Volume 46, issue: 8, 2025:

"By object" or not "by object": more issues resolved?
Abstract: Discusses the guidance in cases such as Lietuvos notaru rumai v Lietuvos Respublikos konkurencijos taryba (C-128/21) (ECJ) on how pro-competitive effects shown by parties in EU competition disputes may be factored into analysis of "by object" restrictions, including relevant steps for assessment.

A round peg in a square hole: rethinking EU competence for media pluralism after the Media Freedom Act
Abstract: Examines, with reference to ongoing annulment proceedings, whether the EU lacks competence to introduce a media pluralism regime under Regulation 2024/1083 (Media Freedom Act). Argues that a harmonised approach under the internal market framework of TFEU art.114 to assess media mergers is justified.

Mirroring the EU Digital Markets Act to tackle gatekeepers' anti-competitive conduct in South Africa? - Case study of Google
Abstract: Examines EU regulation of anti-competitive practices by online gatekeepers under Regulation 2022/1925. Compares its approach to Google with that of the South African Competition Commission, and discusses their differing views on public interest and whether South Africa should adopt the EU policy.

From theory to tech: computational antitrust; concept, origins, and a path moving forward
Abstract: Reflects on claims by T. Schrepel that competition law is entering a "computational antitrust" phase of rapid digital advances. Reviews the challenges this presents, and suggests a roadmap for South American states, including interdisciplinary collaboration and creation of specialised data units.

Belgium: competition - policy
Abstract: Highlights the Belgian Competition Authority's announcement of its priorities for 2025, involving a focus on sectors including agriculture, health care, construction and telecommunications. Details key strategic priorities, such as updating its guidance on bid rigging, and improving merger control.

Canada: competition - market studies
Abstract: Notes the Canadian Competition Bureau's May 2025 publication of its finalised Market Studies Information Bulletin, detailing factors it considers when identifying sectors for market studies, the procedures and timelines involved, the information-gathering methods used and its reporting requirements.

Denmark: anti-competitive agreements - judgment (Case Comment)
Abstract: Notes the settlement reached before the Danish Maritime and Commercial High Court in Autobutler v Danish Competition Council, under which an online platform for vehicle repairs agreed to pay a civil fine of DKK 7 million following allegations of anti-competitive activity involving pricing.

European Union: anti-competitive practices - judgment (Case Comment)
Abstract: Notes Beevers Kaas BV v Albert Heijn Belgie NV (C-581/23) (ECJ) on whether an exclusive distribution agreement for cheese, together with the acquiescence of other distributors not to sell cheese in the territory concerned, constituted an anti-competitive agreement under Regulation 2022/720 art.4.

Finland: competition - investigation
Abstract: Notes the Finnish Competition and Consumer Authority's conclusion of its investigation into alleged anti-competitive practices in the food delivery platform market without determining whether price parity and exclusivity clauses infringed competition law. Details its ongoing analysis of the market.

Netherlands: anti-competitive practices - investigation (Case Comment)
Abstract: Notes the ruling of the Dutch Competition Authority in Ticketmaster, accepting commitments from a company in the mobile tickets resale market during an investigation into whether the company's use of new ticket transfer functionality constituted abuse of a dominant position.

Netherlands: anti-competitive practices - judgment (Case Comment)
Abstract: Notes a Rotterdam District Court ruling upholding a 2023 finding of the Dutch Competition Authority that three egg producers had participated in a price co-ordination and market sharing cartel, but slightly reducing the fines imposed owing to the duration of the administrative proceedings.

Poland: mergers - merger control
Abstract: Highlights the April 2025 publication by the Polish Office for Competition and Consumer Protection of amended guidelines on notification of the intention to control a concentration, including the exemptions granted to certain joint ventures which do not conduct business in the jurisdiction.

Romania: anti-competitive practices - infringement (Case Comment)
Abstract: Notes the Romanian Competition Council ruling in Holcim Romania SA / Romcim SA / Heidelberg Materials Romania SA, imposing fines totalling around EUR 43.7 million on companies in the cement production market for anti-competitive practices involving the exchange of sensitive commercial information.

South Africa: mergers - merger control
Abstract: Reviews the South African Competition Commission's evolving assessment of restraint of trade clauses in merger control proceedings. Details key features of the Commission's analysis, case law indicating a more stringent approach, and its unwillingness to routinely permit extended restraint periods.

Spain: mergers - merger control
Abstract: Notes the Spanish Competition and Markets Commission's opening of a second phase in-depth investigation into a hostile takeover bid in the chemicals sector, involving the acquisition by Esseco Industrial SPA of sole control of Ercros SA. Details the potential competition concerns.

Spain: mergers - merger control
Abstract: Notes the Spanish Competition and Markets Commission's identification of first-phase competition risks from a notified three-to-two merger in the radiopharmaceuticals sector, between Curium and IRAB, including high horizontal overlaps, portfolio effects in specific regions and innovation risks.

Turkiye: mergers - merger control - decision (Case Comment)
Abstract: Notes the Turkish Competition Board decision in Aktiebolaget Volvo, unconditionally approving a joint venture, as an acquisition, to develop commercial vehicle software platforms, pursuant to an agreement with Daimler Truck AG. Considers the full functionality feature and economic independence.

Artikler fra European Competition Journal

Mapping reversals: an empirical account of Margrethe Vestager's track record before the Court of Justice of the European Union
Margrethe Vestager ended her second term as European Commissioner for Competition in November 2024. During her tenure, 237 DG Comp decisions were reviewed by the Court of Justice of the European Union (CJEU). This study offers the first empirical account of her judicial track record. We find that 27.47% of DG Comp decisions have been at least partially overturned under her leadership, with more cases pending. In antitrust, the Commission lost 24.39% of decisions challenged in court. However, Article 102 decisions fared well: none initiated by Vestager was overruled. In merger control, only two out of seven contested decisions were overturned – just 0.05% of merger decisions issued. And in state aid, most losses stemmed from substantive rather than procedural issues. These findings reveal the legal resilience and limits of Vestager's enforcement agenda, offering new insights into how the CJEU shaped EU competition law during her mandates.

The competition law assessment of innovation – issues, solutions and best practices
The importance of innovation has grown exponentially in the last decades: initially relevant only to the highly technologic electronic sectors, it has now spread across all industries, often changing dramatically our way of living. This radical change has also been mirrored in the competition law setting: innovation is increasingly shifting, in many industries, from being one among many competitive parameters to the dominant lever. For this reason, competition authorities must be prepared to correctly deal with innovation and to embed the assessment of innovation within the competitive analysis. This particularly in light of the challenges that the inherent features of innovation – its long time-to-market and uncertainty – brought inevitably with them. This paper provides an analysis of the competitive relevance of innovation, of the most

important related issues of a competitive assessment of innovation, and, at the same time, aims at identifying possible solutions to the various issues of such assessment.

Artikler fra Journal of Competition Law and Economics

Intet nyt.

Artikler fra Journal of Antitrust Enforcement

Intet nyt.

Artikler fra Journal of European Competition Law and Practice

Intet nyt.

Artikler fra World Competition

Intet nyt.

Artikler fra Antitrust Law Journal

Volume 86, issue: 3, 2025:

DYNAMIC COMPETITION AND ANTITRUST: QUICK-LOOK INFERENCES FROM THE ANALYSIS OF BIG TECH'S R&D EXPENDITURE RATIOS
For the authors of the Dynamic Competition School, using static concentration measures to guide antitrust enforcement and merger control may lead to more fragmented markets and, possibly, though not necessarily, lower prices in the short term, but it likely will chill innovation and reduce consumer welfare in the long run, since consumers benefit more from innovation than from low prices.' The second school of thought, which we refer to as the "Mainstream School," recognizes that the threat of preemptive innovation may, in principle, have an impact on existing market participants, but it takes the position that any impact is unlikely to be determinative in the markets in which leading online platforms operate because those markets are also characterized by factors such as network effects, economies of scale and scope, and switching costs that make entry ineffective.· In short, this second school seems to argue that a market should not be considered dynamically competitive unless we observe fluctuations in market share or, in other words, only if we observe "action-reaction"-i.e., when the market leader tends to lose market share over time and the market never tips to monopoly.' [...]in markets in which new entry is won through significant innovation, incumbents are likely to invest significant amounts in research and development (R&D) to protect their rents. [...]the key determinant of the performance of these industries is the vigor of dynamic competition.

Artikler fra Antitrust Bulletin

Intet nyt.

Artikler fra Competition Law and Policy Debate

Intet nyt.

Artikler fra Competition Law Scholars Forum

Intet nyt.

Artikler fra Journal of Regulatory Economics

Volume 68, Issue: 1, august 2025:

Raising rivals' costs and right to repair laws: Separating the sheep from the goats?
We conceptualize right to repair laws as requiring original equipment manufacturers (OEMs) to walk back significant first-mover advantages, much of which comprise intellectual property rights. Doing so reduces rivals' costs, which in turn

increases competition in repair markets and environmental quality. Indeed, our microeconomic theory of right to repair laws shows that the credible threat of antitrust action or passage of a right to repair law may raise social welfare, as the OEM optimally walks back some of its information advantage in order to reduce the likelihood of these interventions. Back-of-the-envelope simulation of the model yields welfare comparisons.

Scale properties and efficient network structures in the Swedish electricity distribution market
This paper examines the Swedish electricity distribution sector to highlight three key findings. First, we identify significant economies of scale among electricity distribution firms, indicating that larger firms operate more efficiently. Second, we explore alternative market structures and demonstrate that these can substantially reduce the aggregated costs of electricity distribution. Third, we use novel survey data to show that firms perceive the economic incentives for mergers to be insufficient. These findings suggest that policymakers should consider creating a regulatory environment that encourages consolidation and enhance efficiency in the sector.

Delphi and fuzzy TOPSIS approach for redefining the scope of postal universal service obligation
The postal industry has undergone drastic changes over the last 30 years. These changes include the separation of postal and telecommunications sectors and the abolition of the monopoly status of postal incumbents. In the postal sector, the Universal Service Obligation (USO) has a very important role. The most common mechanism for fulfilling USO requirements was the reserved services mechanism (by weight and/or price). However, EU countries have abolished such practices and fully opened their markets (the last one in 2013), using alternative mechanisms for financing USO. The question that has arisen with the processes of liberalization and deregulation of the postal market is whether the USO can exist without the reserved services, specifically for candidate countries that still have reserved areas. This paper focuses on defining the sustainable scope of the USO in Serbia, a candidate country working towards full implementation of postal directives, with the help of the Delphi and Fuzzy TOPSIS approaches. The developed methodology can serve as a universal tool for redefining the scope of the postal USO in any country around the world.

Tax evasion and consumption indivisibility
Given the fairly common fact of indivisible-good consumption, this paper investigates the role played by consumption indivisibility in a tax evasion model. It is shown that, in the presence of consumption indivisibility, some risk-averse taxpayers may act like risk lovers, engaging in tax evasion even in a less-than-fair game. Thus, the required audit rates and penalties for deterring tax evasion are higher than those in the traditional tax evasion model without consumption indivisibility. In addition, based on the finding that some taxpayers participate in the evasion game with a negative expected payoff, an appropriate relaxation in tax enforcement (by lowering the audit or penalty rate) can increase the government's tax revenues and social welfare. In other words, the existence of some degree of tax evasion is socially optimal.

Artikler fra International Review of Law and Economics

Volume 83, issue: 1, september 2025:

Vertical interoperability in mobile ecosystems: Will the DMA deliver (what competition law could not)?
To address concerns about the competitive dynamics of digital markets, the promotion of interoperability has been often pointed out as a fundamental component of policy reform agendas. In the case of mobile ecosystems, the smooth and seamless availability of interoperability features is crucial as third-party devices and apps would be otherwise unable to effectively work and participate within the ecosystems. However, access to application programming interfaces (APIs) may be restricted due to privacy, security, or technical constraints. Further, an ecosystem orchestrator may misuse its rule-setting role to pursue anticompetitive goals by restricting or degrading interoperability for third-party services and devices. The paper aims at investigating whether and how effective interoperability could be achieved through the enforcement of competition rules or whether it would require regulatory interventions, such as those envisaged in the European Digital Markets Act (DMA).

The role of the regulatory framework in enhancing SMEs' digital transformation
This paper aims at exploring the current process of SMEs' digital transformation in order to contribute to effective policy development. We first provide a definition of firms' digital transformation and then investigate its fundamental determinants, so responding to the call for further research and more comprehensive understandings of the digital transformation process. The objective is to verify the impact of the regulatory environment on digital transformation of SMEs. The empirical analysis, based on data taken from the Flash Eurobarometer Survey of the European Commission, shows that the regulatory framework is strongly significant in explaining firms' digital transformation. Specifically, SMEs' awareness of the regulatory context and anticipated digital standards: 1) expedites their process of digital transformation; 2) positively moderates the relationship between any strategic plan and their digital transformation; 3) generates a

relatively greater impact on the digital transformation of firms mainly involved in the adoption of more advanced digital technologies. Some policy implications conclude the work.

Competition and the two margins of privacy
This article analyzes the relationship between privacy protection and market competition. We consider a model where firms collect data to price discriminate consumers in a competitive product market, and we distinguish two margins of privacy. Firms strategically choose the number of consumers on whom they collect data – the extensive margin of privacy – as well as the precision of information – the intensive margin of privacy. We show that policymakers can efficiently protect both margins of privacy and consumer surplus by safeguarding the intensive margin. Indeed, when both strategic variables are strategic complements, restricting the amount of information that firms have on each consumer (the intensive margin) also induces firms to collect data on fewer consumers, thereby protecting the extensive margin of privacy. This softens the intensity of competition but also reduces rent extraction by firms, and total consumer surplus increases. When both variables are strategic substitutes, protecting the intensive margin harms privacy at the extensive margin, but still increases consumer surplus.

"Platform Holdup" and Platform Regulation
The interaction between a platform and its users plays a crucial role in shaping its pricing strategy and overall success. When users incur an initial cost to join the platform and stand to gain utility, the risk of receiving minimal benefits due to aggressive pricing arises. This discourages user participation, leading to launch failures for potential platforms and significant welfare loss in equilibrium, identified as the "platform holdup" issue. Addressing the platform holdup problem can be achieved, in part, by introducing an implicit guarantee through government oversight, providing subsidies to potential users, and granting users dividend rights. The analysis of oligopoly cases shows that, in most instances, market competition alone is not sufficient to fully resolve the problem.

Has the European Takeover Bids Directive reached its objectives? The cases of Finland, Germany and Spain
Inspired in the common law tradition, the European Takeover Bids Directive (TBD) aimed to promote an efficient market for corporate control in Europe by facilitating competition among acquirers in EU economies while protecting the rights of minority shareholders of listed companies. After more than 15 years from its transposition into European national regulations, in this paper we investigate whether the main objectives of the Directive have been achieved in three European countries representing the three legal families included under the Civil law regime: Spain, as a country belonging to the French Civil law tradition, Finland, which belongs to the Nordic law tradition and, finally, Germany as a country representing Germanic Civil law tradition. To perform an in-depth analysis, we did not use a sample of takeovers, but a hand-collected database covering all takeovers launched in Finland and Spain over the period 2000–2019, and in Germany over 2002–2019. The results obtained in our analysis lead us to be sceptical about the clear achievement of the objectives intended by the Directive in the three countries analysed. Although more openness to European bidders seems to have been reached in Spain and Finland, there is no evidence of an increase in intra-European cross border takeovers following the TBD's transposition in any of the countries analysed. Moreover, the premiums paid to minority shareholders (proxy for their higher protection) have remained unchanged in Germany and have been reduced in Spain and Finland.

The impact of antitrust enforcement on China's digital platforms: Evidence from SAMR v. Alibaba
In this article, we explore the dynamics of antitrust enforcement in the Chinese e-commerce platform market by examining the landmark decision of SAMR v. Alibaba (2021) using an event study methodology. We find that the announcement of the antitrust investigation leads to a negative impact on Alibaba's abnormal returns, while its competitors experience mixed outcomes, with some showing positive abnormal returns and others showing statistically insignificant changes. However, the announcement of the financial penalty triggers a positive stock market response for Alibaba and a negative response for its competitors, consistent with narratives suggesting that investors adjust their expectations based on new information revealed by the investigation. To assess the cumulative effects of the investigation on Alibaba, we conduct a long-horizon event study, which shows a 17 to 25% decline in Alibaba's abnormal stock returns, with a relatively smaller decrease for its competitors. Additionally, using a synthetic control approach, we identify a 7 to 9% reduction in Alibaba's gross profit margins compared to similar firms. Our findings reveal that the decision has a substantial impact on Alibaba's profitability, with our estimates indicating an effect significantly larger than that observed in comparable studies in the EU and U.S.

Conflict and property law: The hidden costs of takings and of liability rule protection
This paper presents a novel argument for the law's preference for property rules over liability rules based on their potential to reduce socially costly forms of retaliation by victims of takings. Property rules are more effective at mitigating conflict and discouraging costly retaliation by victims, thereby increasing social welfare. This hypothesis is tested empirically in a laboratory experiment involving a task that includes a valued possession that can be taken by others.

Results reveal that both property and liability rules reduce retaliation, but property rules are more effective—particularly when the taking results in a net gain for the taker, who profits from the transgression. This suggests a hidden social cost in efficient takings under liability rules, providing evidence for the existing preference for property rules in legal systems. This paper contributes to the literature by revealing a significant, yet overlooked, advantage of property rules, rationalizing existing practice, and discussing the implications for the optimal choice of legal protection of entitlements.

And the law relaxed the rules – A quasi-experimental study of fatal police shootings in Europe
Can the behavior of civil servants with a large autonomy, the police, be regulated by law? In the case of the use of deadly force, the subject remains understudied in Europe. A 2017 law in France relaxed restrictions and allowed for the first time the national police to use weapons beyond self-defense. This quasi-experimental study examines the impact that this regulatory change, used as an exogenous shock, has had on the number of deaths of occupants of vehicles. The monthly number of killings has significantly increased for the national police (experimental group), who are directly affected by the new regulation, but not other forces unaffected by the regulation such as the French gendarmerie, a military status force (control group 1), and other police forces of two neighboring states (Germany, Belgium, control group 2 and 3). The findings hold after controlling for the variations in level of violence in society, and police exposure to and death in dangerous traffic violations during the study period. When using more conservative specifications, the observed increase in lethal shootings does not reach statistical significance due to a lack of statistical power related to the rarity of police lethal shootings in the European context. We recommend that national regulations governing the use of weapons by police more clearly and unambiguously embed the notions of proportionality and absolute necessity.

Do Chinese courts apply the "Hand Formula": Empirical evidence from cases related to the duty of safety protection
This study analyzes over ten thousand judgments by Chinese courts in cases related to the duty of safety protection, using a sharp regression discontinuity design to examine the causal relationship between the ratio of expected loss to the burden of precaution and the determination of defendant negligence. The findings reveal that the decision-making process, guided by the Hand Formula, explains approximately 20% to 30% of judicial decisions. When focusing specifically on a cost–benefit analysis mindset, this process accounts for approximately 10% to 15% of decisions. These results indicate that the Hand Formula significantly influences judicial practice in China. Moreover, the cost–benefit analysis mindset inherent in the Hand Formula is not only a theoretical pursuit of economic efficiency but also reflects a universal intuitive sense of fairness and justice beyond positive legal norms.

Clearance rates and disposition times: Not the whole story of judicial efficiency
Judicial efficiency is often measured through clearance rate (CR) and disposition time (DT), yet these traditional metrics fail to capture the complexity of resource utilisation in courts. This study critiques the widespread reliance on CR and DT, arguing that they provide an incomplete and potentially misleading picture of judicial efficiency. Using Data Envelopment Analysis (DEA), a non-parametric method designed to measure resource-based efficiency, this research analyses courts across Europe's three-tier judicial hierarchy. The findings reveal significant shortcomings in CR and DT, including weak or negative correlations with DEA efficiency scores, particularly at the Supreme Court level, where these metrics neglect the intricacies of resource management and case complexity. DEA, by accounting for multiple inputs (e.g., judges, staff, budgets) and outputs (resolved and pending cases), offers a more nuanced framework for measuring efficiency. The analysis highlights inefficiencies hidden behind high CRs and low DTs, suggesting that resource misallocation is a key issue. Furthermore, prioritising efficiency improvements in first-instance courts, where resource bottlenecks are most acute, could generate cascading benefits throughout the judiciary. This study provides empirical evidence for the inadequacy of traditional metrics and advocates for a paradigm shift towards comprehensive tools like DEA to measure judicial efficiency. By moving beyond simplistic case throughput measures, policymakers can design targeted reforms that ensure both the equitable delivery of justice and the sustainable management of judicial resources. The results underscore the urgency of rethinking how justice is measured and understood in modern judicial systems.

Notice-and-takedown as dispute resolution: An empirical analysis of GitHub notices
The Section 512(c) notice-and-takedown regime is a primary mechanism that enforces online copyright in the U.S. The objective is to enable the disputants to settle on their own, but asymmetric information can lead to claimant abuse and bargaining impasse, as critics of Section 512 have pointed out. This paper studies the dispute resolution aspect of the notice-and-takedown. We evaluate two platform remedies (chance-to-change policy and revise-and-resubmit policy) and the recent trend of professionalization in the context of GitHub. We collect a novel sample of 4,684 takedown notices from GitHub and use it to empirically test the disputants' settlement behavior. Our estimates show that the chance-to-change policy is associated with a higher settlement rate, whereas the revise-and-resubmit policy has little effect. The results are consistent with a signaling theory between the copyright owner and the infringer. To address the potential selection effects of GitHub, we apply text analysis to quantify and control latent attributes of the notices, including writing

styles and informativeness, in addition to more substantive features. We also discuss the role of expert representatives and certain textual characteristics that appear influential in the dispute resolution process.

Artikler fra Competition Law Journal

Intet nyt.

Artikler fra European Competition and Regulatory Law Review

Volume 9, issue: 2, july 2025:

The Great Airline Merge-Off: How Europe's Skies are Becoming Less Competition-friendly
The European airline industry has undergone significant consolidation in recent decades, culminating in high-profile takeovers such as Lufthansa's acquisition of Italy's ITA Airways. While liberalisation efforts have historically enhanced competition, connectivity and affordability, the growing dominance of major airline groups threatens to undo these gains. This paper critically examines the European Commission's approach to regulating airline mergers, analysing its reliance on remedy packages and the challenges in maintaining competitive markets. Despite the Commission's measures, concerns persist regarding reduced consumer choice, higher prices and diminished service quality. Case studies of blocked and approved mergers highlight the complexities in balancing competition with industry sustainability. The paper also explores alternative strategies to promote fairer market dynamics while addressing the economic realities facing smaller carriers. Ultimately, it calls for a continued rigorous scrutiny of mergers, with improved market definition criteria and more effective remedies to ensure a competitive and consumer-friendly aviation sector in Europe.

The Role of the Bundeskartellamt in Digital Markets under the DMA and German Competition Law
This article examines the intersection between the Digital Markets Act (DMA) and German competition law following the 11th amendment to the German Act against Restraints of Competition (GWB), effective November 2023. The reform expanded the Federal Cartel Office's powers through enhanced sector inquiry interventions (Section 32f), relaxed profit skimming requirements (Section 34(4)), and new DMA investigative powers (Section 32g). Using doctrinal and policy analysis, the study explores how national measures complement EU enforcement while Section 19a GWB remains applicable for additional gatekeeper obligations. Case studies of major technology companies (Google, Meta, Amazon, Microsoft, Apple) illustrate enforcement practices. The amendment addresses regulatory gaps but raises constitutional concerns regarding structural separation powers without proven abuse. The analysis reveals that effective digital market regulation requires coordinated national and EU enforcement, with success dependent on proportionate rather than maximalist intervention. These findings illuminate the evolving relationship between traditional competition law and regulatory approaches in digital markets, highlighting the shift from ex-post enforcement to preventive competition policy while emphasising the need for careful legal framing and judicial oversight.

The First Steps of the DMA: A Nascent Doctrinal Framework
The Digital Markets Act (DMA) is an ex-ante regulatory framework that exists to enhance contestability and fairness in the European Union's digital markets. As the sole enforcer of the regulation, the European Commission (Commission) faces legal challenges regarding the interpretation of the scope and doctrinal value of the act. This article examines the early stage of implementation of the DMA, focusing on key legal and doctrinal issues, mainly through the lens of the Commission's designation decisions and the General Court's judicial review. Additionally, the article explores the implications of an expansionist interpretative approach to how gatekeepers are designated, linking it to policy goals of open infrastructure. By analysing these developments, this study argues that the DMA is forming its own normative framework beyond competition law. The DMA's long-term impact on digital markets and EU platform governance remains critical, as the DMA's policy goals should be interpreted in the light of market constructivism and business reality.

Private Antitrust Enforcement and Harm Displacement:
Private antitrust enforcement mostly serves to compensate the party that suffered due to the infringement of competition law. Therefore, although it is primarily considered a pillar of competition law enforcement, it constitutes a type of civil liability. Harm displacement, in turn, is originally discussed in the context of criminal policies and has recently also been concerned with different types of civil liability, its effectiveness, and social costs. This article, drawing on the above phenomenon from US legal doctrine, analyses its possible effect on private antitrust enforcement. The article starts with providing a short state of play of private antitrust enforcement and its primary functions, such as compensation, deterrence and optimising the cost of the wider system of enforcement. Then it proceeds through harm displacement and

passing-on phenomena, concluding with a section discussing the three main types of civil liability: negligence, strict liability, and absolute liability, within the foregoing context. The last section includes conclusions.

The Future of Football Agents: Legal Battles and the Fight Over FIFA's New Regulations
This article examines the legal and regulatory challenges surrounding FIFA's 2022 Football Agent Regulations (FFAR) and their potential impact on the global football industry. The FFAR, introduced to enhance transparency, accountability, and ethical conduct within football agent representation, imposes fee caps and licensing requirements. However, the regulations have faced significant legal opposition, particularly concerning their compatibility with EU competition law and the free movement of services under the Treaty on the Functioning of the European Union (TFEU). This article provides a historical overview of football agent regulation, traces the evolution of FIFA's approach, and analyses the legal disputes arising from the FFAR, particularly in light of EU competition law principles and key precedents such as Meca-Medina and European Superleague. The analysis explores the broader implications of the European Court of Justice's impending decision, which will shape the future of sports regulation, FIFA's authority, and the transparency and sustainability of the football industry. Ultimately, the article argues that regulatory reforms must strike a balance between promoting fair competition and ensuring the long-term integrity of professional football.

Artikler fra Communications Law

Volume 30, Issue: 2, 2025:

SLAPPs in England and Wales: the issues and the evidence
Abstract: Presents an analysis of the issues arising from strategic lawsuits against public participation (SLAPPs). Explores the meaning of SLAPPs. Reviews the data and evidence presented by the Coalition Against SLAPPs in Europe in its campaign to raise political awareness of SLAPPs and the solutions sought by campaigners, including pre-action correspondence and costs.

Journalism as the lifeblood of democracy: how can we ensure it is protected?
Abstract: Discusses, with reference to the Prime Minister's opinion piece published on 28 October 2024, the importance of protecting journalism and media freedom in the UK, looking at legislative challenges faced by the press and how the Government may go about addressing them.

A model for the transposition of the EU anti-SLAPP Directive
Abstract: Examines legislative proposals before the Belgian Parliament to transpose Directive 2024/1069 into national law.

Summary judgment in privacy and libel claim (Case Comment)
Abstract: Discusses Adams v Amazon Digital UK Ltd (KBD) granting a website and streaming platform summary judgment on claims for libel and misuse of private information brought against it by the mother of a well-known sporting and media personality in respect of a documentary film published on the platform.

Responsibility for publishing (Case Comment)
Abstract: Discusses Samuels (t/a Samuels & Co Solicitors) v Henry (KBD) that a solicitor who was pursuing libel and malicious falsehood claims against a former client had not proved that he was responsible for posting allegedly false and defamatory reviews on her Google Business Profile.

Fact and opinion (Case Comment)
Abstract: Reviews Vince v Staines (KBD) on the natural and ordinary meaning of statements made by a news website commenting on the views that a major donor to the Labour Party had expressed on Hamas in a radio interview, and a tweet written by a politician on the same subject.

Open justice and derogations (Case Comment)
Abstract: Discusses Johnson v Chief Constable of Bedfordshire (KBD) refusing to grant an application for an anonymity order and reporting restrictions where the claimant failed to demonstrate a need to derogate from open justice. in relation to the appropriateness of the police allowing their operations to be filmed for a television programme, and the impact of the filming on individuals who were not suspects.

Artikler fra Computer and Telecommunications Law Review

Volume 31, issue: 5, 2025:

Controlling realities: the role of law in deep fake technology
Abstract: Discusses the growing complexity of deepfake technology, and the legal challenges it presents. Examines the operation of deepfakes, their application in respect of fraud, data protection, privacy, defamation and intellectual property infringement, and how their regulation might be strengthened.

The impact of the Cinematographic Film and Video Law on the exhaustion doctrine under the Copyright Law in respect of the resale and distribution of products containing cinematographic works in Thailand
Abstract: Examines the extent to which the Thai courts' application of the Copyright Act 1994 in conjunction with the Cinematographic Film and Video Act 2008 s.79 can prevent a resale of products containing cinematographic or karaoke work, despite exhaustion of the copyright holder's distribution rights.

Easier said than Dun - CJEU ruling provides principles but little practical guidance on data subject access rights in automated decision-making (Case Comment)
Abstract: Discusses CK v Dun & Bradstreet Austria GmbH (C-203/22) (ECJ) clarifying the scope of a data subject's rights under Regulation 2016/679 art.15(1) to "meaningful information" about how their personal data has been used in automated decision-making. Notes the issues left unresolved by the ruling.

Quantum computing and the new era of information processing and usage
Abstract: Explains key developments in quantum computing, and discusses the potential benefits of such technology, and the technical and legal challenges it presents in fields including intellectual property and cybersecurity.

The future of the EU Artificial Intelligence Liability Directive (AILD): assessing the case for an alternative approach
Abstract: Reviews the EU's proposed Directive on adapting non-contractual civil liability rules to artificial intelligence, its main provisions, the challenges it faces, its potential shortcomings and whether an alternative approach is needed to address issues of AI-related harm more effectively.

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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Google 15 Years On – Key Learnings, Antitrust Challenges, and the Road Ahead
Konference om Google d. 27. oktober fra kl. 10:00 – 17:00 i København i anledning af 15 året for åbningen af Google Shopping.
Deltagelse - i person eller online – kan tilmeldes her.
Dato: 27/10/2025