



Konkurrenceretlig Nyhedsoversigt nr. 106 / dækkende 22. september 2025 – 22. oktober 2025

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1 | DANSK RET

Nyt fra Konkurrence- og Forbrugerstyrelsen

Godkendelse på baggrund af en forenklet sagsbehandling af Hoyer Groups erhvervelse af enekontrol over VMS Group

Konkurrence- og Forbrugerstyrelsen modtog den 9. oktober 2025 en forenklet anmeldelse af en fusion mellem Hoyer Group A/S ("Hoyer") og VMS Group A/S ("VMS"), jf. konkurrencelovens § 12 b, stk. 1. Ifølge § 12 h, stk. 5, 3. pkt., løber fristerne i § 12 d, stk. 1, fra den dag, hvor styrelsen udover en fuldstændig...

[Læs mere](#)

Dato: 16/10/2025

Godkendelse på baggrund af en forenklet sagsbehandling af RGS Nordics erhvervelse af enekontrol over Meldgaard Sustain og Meldgaard Recycling

Konkurrence- og Forbrugerstyrelsen modtog den 3. oktober 2025 en forenklet anmeldelse af en fusion mellem RGS Nordic A/S ("RGS Nordic") og Meldgaard Sustain A/S samt Meldgaard Recycling A/S ("tilsammen Meldgaard Recycling").

[Læs mere](#)

Dato: 07/10/2025

Godkendelse på baggrund af en forenklet sagsbehandling af Jettimes moderselskabs erhvervelse af enekontrol over CityJet

Konkurrence- og Forbrugerstyrelsen modtog den 29. september 2025 en forenklet anmeldelse af Jettime A/S' (herefter "Jettime") moderselskab JT3H ApS' erhvervelse af enekontrol over CityJet Designated Activity Company (In Examinership) (herefter "CityJet").

[Læs mere](#)

Dato: 01/10/2025

Godkendelse på baggrund af en forenklet sagsbehandling af Viaplay Group JV Holding ABs erhvervelse af enekontrol over Allente Group AB

Konkurrence- og Forbrugerstyrelsen modtog den 25. september 2025 en forenklet anmeldelse af Viaplay Group JV Holding ABs (herefter "Viaplay") erhvervelse af enekontrol over Allente Group AB (herefter "Allente").

[Læs mere](#)

Dato: 30/09/2025

Godkendelse på baggrund af en forenklet sagsbehandling af InstallatørGruppen Danmark ApS' erhvervelse af enekontrol over Gunnar Kristensen VVS A/S

Konkurrence- og Forbrugerstyrelsen modtog den 24. september 2025 en forenklet anmeldelse af InstallatørGruppen Danmark ApS' (herefter "InstallatørGruppen") erhvervelse af enekontrol over Gunnar Kristensen VVS A/S (herefter "Gunnar Kristensen VVS").

[Læs mere](#)

Dato: 29/09/2025

Godkendelse på baggrund af en forenklet sagsbehandling af Indutrades erhvervelse af enekontrol over Scan Auto & Dybbroe Group

Konkurrence- og Forbrugerstyrelsen modtog den 23. september 2025 en forenklet anmeldelse af en fusion mellem Indutrade AB ("Indutrade") og Scan Auto & Dybbroe Group A/S ("SAD").

[Læs mere](#)

Dato: 26/09/2025

**Godkendelse på baggrund af en forenklet sagsbehandling af Brookfield Asset Management Ltd's erhvervelse af fælleskontrol over Associated Danish Ports A/S**

Konkurrence- og Forbrugerstyrelsen modtog den 24. september 2025 en forenklet anmeldelse af BISS Confidence LP's (herefter "BISS") erhvervelse af fælleskontrol over Associated Danish Ports A/S (herefter "ADP").

[Læs mere](#)

Dato: 26/09/2025

Godkendelse på baggrund af en forenklet sagsbehandling af Conscias erhvervelse af enekontrol over Dubex

Konkurrence- og Forbrugerstyrelsen modtog den 18. september 2025 en forenklet anmeldelse af Conscia Danmark A/S' ("Conscia") erhvervelse af enekontrol over Dubex A/S ("Dubex").

[Læs mere](#)

Dato: 23/09/2025

Godkendelse på baggrund af en forenklet sagsbehandling af NorgesGruppens erhvervelse af enekontrol over Norsk Medisinaldepot

Konkurrence- og Forbrugerstyrelsen modtog den 12. september 2025 en forenklet anmeldelse af NorgesGruppen ASAs ("NorgesGruppen") erhvervelse af enekontrol over McKesson Norway Holding AS ("McKesson Norway"), der ejer samtlige aktier i Norsk Medisinaldepot AS ("NMD").

[Læs mere](#)

Dato: 22/09/2025

Nyt fra Konkurrencerådet

Intet nyt.

Nyt fra Konkurrenceankenævnet

Intet nyt.

Nyt fra domstolene

Civilretlige afgørelser

Intet nyt.

Straffesager

Ønskebørn A/S under konkurs mod Konkurrence- og Forbrugerstyrelsen - bøde på 9 millioner kroner - priskoordinering – udeblivelsesdom

Sø- og Handelsretten har ved en udeblivelsesdom idømt butikskæden ØnskeBørn A/S under konkurs en bøde på ni millioner kroner, efter at Konkurrencerådet tidligere har fastslået, at ØnskeBørn har overtrådt konkurrenceloven ved at koordinere priser på baby- og børneprodukter blandt medlemmerne. Ønskebørn-kæden er gået konkurs, og konkursboet ønskede ikke at indtræde i sagen for Sø- og Handelsretten.

[Læs mere](#)

Dato: 22/09/2025

Lovforslag i høring

Intet nyt.

Ny lovgivning

L 13: Forslag til lov om ændring af årsregnskabsloven, lov om finansiel virksomhed, lov om forsikringsvirksomhed og lov om fondsmæglerselskaber og investeringsservice og -aktiviteter.

Lovforslaget udskyder tidspunktet for, hvornår virksomheder skal begynde at rapportere om bæredygtighed med to år. Det betyder, at store virksomheder i regnskabsklasse C, store børsnoterede virksomheder og statslige aktieselskaber med 500 ansatte eller derunder først skal rapportere fra regnskabsår, der starter i 2027 eller senere, mens Børsnoterede SMV'er (undtagen mikrovirksomheder) omfattes fra regnskabsår, der starter i 2028 eller senere. Samtidig indføres en overgangsbestemmelse mulighed for afregistrering af bæredygtighedsrevisorer uden krav om særskilt



generalforsamlingsbeslutning eller yderligere dokumentation. Lovforslaget implementerer den første del af EU-Kommissionens simplificeringspakke og skal reducere administrative byrder og styrke konkurrenceevnen. Loven foreslås at træde i kraft den 31. december 2025.

[Læs mere](#)

Dato: 8/10/2025

Nyt fra Ankestyrelsen

Om en kommunes støtte til en fond der både varetog kommunale og ikke kommunale opgaver

Næstved Kommune ydede støtte til den erhvervsdrivende fond Arena Næstved. Ankestyrelsen vurderede, at fonden både varetog kommunale og ikke kommunale opgaver. Ankestyrelsen vurderede herefter, at kommunen ikke med hjemmel i kommunalfuldmagtsregler kunne yde anlægsstøtte til fonden.

[Læs mere](#)

Dato: 24/09/2025

Om kommunens mulighed for at byggemodne jord med økonomisk tab

Randers Kommune havde bedt Ankestyrelsen udtale sig om, hvorvidt kommunen kunne byggemodne kommunal jord, selvom det ikke var økonomisk rentabelt. Ankestyrelsen vurderede, at kommunen ikke kunne byggemodne kommunal jord, når der samlet set kunne forventes et tab. Det var Ankestyrelsens opfattelse, at kommunen ikke havde en tilstrækkelig kommunal interesse i at udvikle landdistrikter og småbyer, der kunne tilsidesætte den generelle forpligtelse til at handle økonomisk ansvarligt.

[Læs mere](#)

Dato: 10/09/2025

En kommunes mulighed for at stille et køkken vederlagsfrit til rådighed for en forening

Hillerød Kommune havde bedt Ankestyrelsen om at udtale sig om, hvorvidt kommunen kunne stille et køkken vederlagsfrit til rådighed for en forening med henblik på, at foreningen kunne fremstille mad til arrangementer med det formål at tjene penge til foreningens aktiviteter. Ankestyrelsen vurderede, at kommunen kunne stille et køkken vederlagsfrit til rådighed for en forening i forbindelse med arrangementer, der havde et overordnet kommunalt formål, som fx alment nyttige arrangementer til gavn for kultur- og foreningslivet i kommunen.

[Læs mere](#)

Dato: 03/09/2025

Andet

Intet nyt.



2 | EUROPÆISK OG INTERNATIONAL RET

Nyt fra Kommissionen

Antitrust & Cartels

Commission carries out unannounced antitrust inspections in the ski equipment sector

The European Commission is carrying out unannounced inspections at the premises of several companies active in the ski equipment sector. The Commission has concerns that the inspected companies may have violated EU antitrust rules that prohibit cartels and restrictive business practices (Article 101 of the Treaty on the Functioning of the European Union). The Commission officials were accompanied by their counterparts from the relevant national competition authority.

[Læs mere](#)

Dato: 20/10/2025

Commission fines fashion brands Gucci, Chloé and Loewe over €157 million for anticompetitive pricing practices

The European Commission has fined fashion companies Gucci, Chloé and Loewe for fixing resale prices, in breach of EU competition rules. The Commission's investigation revealed that the three companies restricted the ability of the independent third-party retailers they work with to set their own online and offline retail prices for products designed and sold by Gucci, Chloé and Loewe under their respective brand names. This kind of anticompetitive behaviour increases prices and reduces choice for consumers. The fines, which were reduced in all three cases due to the companies' cooperation with the Commission, amounted to over €157 million in total.

[Læs mere](#)

Dato: 14/10/2025

Commission carries out unannounced antitrust inspections in the vaccines sector

The European Commission is carrying out unannounced inspections at the premises of a company active in the vaccines sector. The Commission has concerns that the inspected company may have violated EU antitrust rules that prohibit abuses of a dominant market position (Article 102 of the Treaty on the Functioning of the European Union). In particular, the Commission is investigating possible exclusionary practices that may amount to anticompetitive disparagement. The Commission officials were accompanied by their counterparts from the relevant national competition authorities.

[Læs mere](#)

Dato: 30/09/2025

Commission opens investigation into possible anticompetitive practices by SAP regarding maintenance and support services for its popular business management software

The European Commission has opened a formal investigation to assess whether SAP may have distorted competition in the aftermarket for maintenance and support services related to an on-premises type of software, licensed by SAP, used for the management of companies' business operations and called Enterprise Resource Planning ('ERP'), in the European Economic Area ('EEA'). In parallel to the opening of proceedings, the Commission has adopted a Preliminary Assessment summarising the main facts of the case and identifying its competition concerns. To address the Commission's concerns, SAP may now submit commitments.

[Læs mere](#)

Dato: 25/09/2025

Mergers

Commission approves Boeing's acquisition of Spirit, subject to conditions

The European Commission has approved, under the EU Merger Regulation, the proposed acquisition of Spirit AeroSystems Holdings, Inc. ('Spirit') by The Boeing Company ('Boeing'). The approval is conditional upon full compliance with the commitments offered by the companies.

[Læs mere](#)

Dato: 14/10/2025



State Aid

Commission seeks input on evaluation of State aid rules for public service broadcasting

The European Commission has launched a call for evidence and a public consultation to seek input on the evaluation of the 2009 Broadcasting Communication. This Communication sets out State aid rules for public service broadcasting. The goal of the initiative is to collect views and experiences from stakeholders on how the Broadcasting Communication has worked since its last revision in 2009 and whether it continues to meet its objectives. The Commission is also seeking to identify any challenges stakeholders may have encountered in the application or interpretation of the rules.

[Læs mere](#)

Dato: 15/10/2025

Commission finds State aid rules on guarantees still relevant but can be updated

The European Commission has found that the State aid rules on guarantees are still relevant as they increase predictability and legal certainty, but that some improvements and simplification are necessary. In a Staff Working Document ('SWD') published today, the Commission finds that there can be improvements regarding estimating aid amounts, complexity for SMEs, and passing-on of risk benefits. The SWD summarises the findings of its evaluation of the Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees ('Guarantee Notice'), which describes how the Commission assesses State guarantees on loans and other financial instruments. Launched in August 2022, the aim of the evaluation was to assess whether the Guarantee Notice, which has not been revised since 2008, remains 'fit for purpose' and to identify any existing shortcomings as well as any scope for improvement and simplification.

[Læs mere](#)

Dato: 13/10/2025

Commission approves Austrian scheme to support security of electricity supply

The European Commission has approved, under EU State aid rules, an Austrian scheme to safeguard security of electricity supply. The scheme will support security of electricity supply for a period of 5 years starting in October 2026. It is an extension and update of the existing network reserve that was approved in 2021 and will end in 2026. Among various technical changes, the new scheme includes monthly contracts and other updates designed to increase participation of smaller resources, in particular electricity consumers that can provide demand response by reducing energy use.

[Læs mere](#)

Dato: 06/10/2025

Commission consults on revised State aid rules for better access to affordable housing

The European Commission has today launched a public consultation on the revision of the State aid rules to help Member States with affordable housing. This revision of the services of general economic interest ('SGEI') rules will address challenges related to housing affordability that go beyond social housing. The goal is to allow EU countries to support affordable housing in a faster and simpler way, by revising SGEI Decision 2012/21/EU. This will contribute to the Commission's efforts to address European citizens' housing needs, which will also include a proposal for a European affordable housing plan. Any interested citizen, business, public authority or association can contribute to the public consultation until 4 November 2025 via the COMP Website.

[Læs mere](#)

Dato: 03/10/2025

Commission approves €11.7 million of aid granted to Carcassonne airport and orders France to recover €1.8 million

The Commission has approved €11.7 million in State aid granted to the manager of Carcassonne airport between 2001 and 2011. The European Commission has also concluded that certain agreements signed over the same period between the Carcassonne airport and airlines operating at that airport (in this case Ryanair) amounted to around €1.8 million in incompatible State aid. France will now have to recover this amount.

[Læs mere](#)

Dato: 22/09/2025

Andet

Intet nyt.



Nyt fra EU-domstolen

Domme

[C-391/23](#) - Braila Winds

Nøgleord:

» Præjudiciel forelæggelse – artikel 191, stk. 2, TEUF – Unionens politik på miljøområdet – forordning (EU) 2021/1119 – Unionens mål om klimaneutralitet – direktiv (EU) 2019/944 – fælles regler for det indre marked for elektricitet – national lovgivning, der pålægger producenter af elektricitet fra vedvarende energikilder at betale indkomstskat – fritagelse for producenter af elektricitet fra fossile brændstoffer og biomasse «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 49 TEUF, 56 TEUF, 107 TEUF, 108 TEUF og artikel 191, stk. 2, TEUF, artikel 17 i Den Europæiske Unions charter om grundlæggende rettigheder (herefter »chartret«), Europa-Parlamentets og Rådets direktiv (EU) 2019/944 af 5. juni 2019 om fælles regler for det indre marked for elektricitet og om ændring af direktiv 2012/27/EU (EUT 2019, L 158, s. 125) og Europa-Parlamentets og Rådets forordning (EU) 2021/1119 af 30. juni 2021 om fastlæggelse af rammerne for at opnå klimaneutralitet og om ændring af forordning (EF) nr. 401/2009 og (EU) 2018/1999 (»den europæiske klimalov«) (EUT 2021, L 243, s. 1).

Anmodningen er blevet indgivet i forbindelse med en tvist mellem Brăila Winds SRL, der et selskab, der producerer elektricitet ved hjælp af vindenergi, og Direcția Generală Regională a Finanțelor Publice București – Administrația Fiscală pentru Contribuabili Mijlocii București (det regionale generaldirektorat for offentlige finanser i Bukarest – skattemyndigheden for mellemstore skatteydere i Bukarest, Rumænien), Ministerul Finanțelor (finansministeriet, Rumænien), Președintele Agenției Naționale de Administrare Fiscală (skattestyrelsens formand, Rumænien) og Agenția Națională de Administrare Fiscală (skattestyrelsen, Rumænien, herefter »ANAF«) vedrørende en skat, som Brăila blev opkrævet på 80% af de af selskabets indtægter, der er resultatet af forskellen mellem den gennemsnitlige månedlige salgspris for dets elektricitet og den pris, der er fastsat af den nationale lovgiver.

Dom:

Europa-Parlamentets og Rådets direktiv (EU) 2019/944 af 5. juni 2019 om fælles regler for det indre marked for elektricitet og om ændring af direktiv 2012/27/EU skal fortolkes således, at dette direktiv ikke er til hinder for en national lovgivning, der pålægger producenter af elektricitet fra vedvarende energikilder en skat af indtægter fra salg af deres elektricitet, der overstiger en bestemt ved denne lovgivning fastsat pris.
Europa-Parlamentets og Rådets forordning (EU) 2021/1119 af 30. juni 2021 om fastlæggelse af rammerne for at opnå klimaneutralitet og om ændring af forordning (EF) nr. 401/2009 og (EU) 2018/1999 (»den europæiske klimalov«) skal fortolkes således, at denne forordning ikke er til hinder for en national lovgivning, der pålægger producenter af elektricitet fra vedvarende energikilder en skat af indtægter fra salg af deres elektricitet, der overstiger en bestemt ved denne lovgivning fastsat pris, men fritager producenter af elektricitet fra fossile brændstoffer herfor.

[Læs mere](#)

Dato: 16/10/2025

[C-416/24](#) - On Air Media Professionals

Nøgleord:

»Præjudiciel forelæggelse – statsstøtte – forordning (EU) nr. 651/2014 – fritagelse for visse kategorier af støtte, der er forenelige med det indre marked – oversættelsesfejl i den rumænske sprogversion af denne forordning – retsvirkninger af den forordning, der berigtiger denne fejl – mulighed for tilbagesøgning af støtte, der er tildelt før berigtigelsen, på betingelser, der er fastsat i den version af forordningen, som indeholder oversættelsesfejlen – beskyttelse af den berettigede forventning – retssikkerhed «

Tvist:

Anmodningerne om præjudiciel afgørelse vedrører fortolkningen af artikel 2, nr. 18), litra a), første punktum, i Kommissionens forordning (EU) nr. 651/2014 af 17. juni 2014 om visse kategorier af støttes forenelighed med det indre marked i henhold til [artikel 107 TEUF og 108 TEUF] (EUT 2014, L 187, s. 1, herefter »den generelle gruppefritagelsesforordning«), af artikel 1, stk. 1, i Kommissionens forordning (EU) 2021/452 af 15. marts 2021 om



berigtigelse af den rumænske udgave af forordning (EU) nr. 651/2014 om visse kategorier af støttes forenelighed med det indre marked i henhold til [artikel 107 TEUF og 108 TEUF] (EUT 2021, L 89, s. 1, herefter »forordningen om berigtigelse«) samt af princippet om beskyttelse af den berettigede forventning og retssikkerhedsprincippet.

Anmodningerne, der er affattet i identiske vendinger, er blevet indgivet i forbindelse med to tvister mellem for det første On Air Media Professionals SRL (herefter »On Air Media«), der er et selskab med begrænset ansvar i henhold til rumænsk ret, og Agenția pentru Întreprinderi Mici și Mijlocii Iași (agentur for små og mellemstore virksomheder i Iași, Rumænien), og for det andet Different Media SRL, ligeledes et selskab med begrænset ansvar i henhold til rumænsk ret, og Ministerul Antreprenoriatului și Turismului – Agenția pentru Întreprinderi Mici și Mijlocii, Atragere de Investiții și Promovare a Exportului Iași (ministeriet for iværksættelse og turisme – agenturet for små og mellemstore virksomheder, der har til formål at tiltrække investeringer og fremme eksporten, Iași, Rumænien) vedrørende anmodninger om tilbagebetaling af tilskud, der uretmæssigt er blevet tildelt disse to selskaber i forbindelse med støtteforanstaltninger til fordel for virksomheder, der er berørt af den økonomiske krise forårsaget af covid-19-pandemien.

Dom:

Kommissionens forordning (EU) 2021/452 af 15. marts 2021 om berigtigelse af den rumænske udgave af forordning (EU) nr. 651/2014 om visse kategorier af støttes forenelighed med det indre marked i henhold til [artikel 107 TEUF og 108 TEUF] skal fortolkes således, at den berigtiger den rumænske sprogversion af Kommissionens forordning (EU) nr. 651/2014 af 17. juni 2014 om visse kategorier af støttes forenelighed med det indre marked i henhold til [artikel 107 TEUF og 108 TEUF] med tilbagevirkende kraft fra datoen for sidstnævnte forordnings ikrafttrædelse.

Retssikkerhedsprincippet og princippet om beskyttelse af den berettigede forventning skal fortolkes således, at disse principper er til hinder for tilbagesøgning på grundlag af forordning 2021/452 af støtte ydet af Rumænien inden vedtagelsen af denne forordning i henhold til den støtteordning, der blev godkendt ved Kommissionens afgørelse C(2020) 5949 final af 27. august 2020 – Statsstøtte SA.58166 (2020/N) – Rumænien – Støtte til SMV'er og visse store virksomheder med henblik på at overvinde den økonomiske krise, der er forårsaget af covid-19-pandemien.

Læs mere

Dato: 9/10/2025

Forslag til afgørelse

C-416/24 - On Air Media Professionals

Nøgleord:

» Præjudiciel forelæggelse – statsstøtte – forordning (EU) nr. 651/2014 – fritagelse af visse kategorier af støtte, som er forenelige med det indre marked – oversættelsesfejl i den rumænske sprogudgave – retsvirkninger af den forordning, der berigtiger denne fejl – mulighed for tilbagesøgning af støtte, der er ydet før berigtigelsen på grundlag af den udgave af forordningen, der indeholdt fejlen «

Tvist:

Hvad sker der med støtteforanstaltninger, som en medlemsstat har ydet på grundlag af en fejlagtig sprogudgave af en kommissionsforordning, som dog er blevet forskriftsmæssigt offentliggjort i Den Europæiske Unions Tidende? Det er dette spørgsmål, som Domstolen i det væsentlige skal besvare i den foreliggende sag, idet Rumænien på grundlag af den rumænske udgave af forordning (EU) nr. 651/2014 (2) (herefter »den generelle gruppefritagelsesforordning«) har ydet visse former for støtte til virksomheder, der ikke burde have modtaget støtte. Domstolen er forelagt spørgsmålet om, hvorvidt en medlemsstat i en sådan situation er forpligtet til at tilbagesøge en sådan støtte, og skal i denne forbindelse præcisere rækkevidden af forskellige principper vedrørende offentliggørelse og anvendelse af EU-retten i lyset af Den Europæiske Unions sprogordning.

Dom:

Kommissionens forordning (EU) 2021/452 af 15. marts 2021 om berigtigelse af den rumænske udgave af forordning (EU) nr. 651/2014 om visse kategorier af støttes forenelighed med det indre marked i henhold til traktatens artikel 107 og 108 skal fortolkes således, at den har tilbagevirkende kraft, således at den fejl i den rumænske sprogudgave af forordning nr. 651/2014, som den henviser til, skal anses for at være berigtiget fra tidspunktet for sidstnævntes ikrafttræden.

Forordning 2021/452, sammenholdt med retssikkerhedsprincippet og princippet om beskyttelse af den berettigede forventning, skal fortolkes således, at den ikke kan gøres gældende over for borgere, der inden dens ikrafttræden har



modtaget støtteforanstaltninger, som Rumænien har ydet på grundlag af den fejlagtige rumænske sprogudgave af forordning nr. 651/2014, således at medlemsstaten ikke kan påberåbe sig denne forordning med henblik på at kræve støtten tilbagebetalt.»

[Læs mere](#)

Dato: 22/05/2025

Kendelse

Intet nyt.

Andet nyt fra EU-domstolen

Intet nyt.

Andet internationalt nyt

Integration af AI-applikationer i søgemaskiner og deres indflydelse på meningsmangfoldighed (Tysk)

Denne rapport undersøger systematisk, hvordan integrationen af AI i søgemaskiner påvirker meningsdiversiteten. Den viser, at AI-baserede søgesvar skaber nyt indhold, fortrænger etablerede informationskilder og i stigende grad flytter ansvaret for offentliggjorte udsagn til platformoperatørerne selv.

[Læs mere](#)

Dato: okt. 2025

CMA consults on proposed changes to its merger remedies approach

The Competition and Markets Authority (CMA) has today published revised merger remedies (CMA87) guidance for consultation, as part of its ongoing work to ensure the UK merger control regime remains effective, evidence-based and responsive to businesses and consumers. The CMA's proposals allow for a more flexible approach to when and if behavioural remedies are adopted, while maintaining the ability to reject any remedy proposal which is not effective and could mean a merger still harms competition and leads to higher prices.

[Læs mere](#)

Dato: 16/10/2025

Major reforms would require vet businesses to make fundamental changes to the way they support pet owners

The Competition and Markets Authority (CMA) has today published the provisional decision in its market investigation into the UK's £6.3 billion veterinary services market.

The investigation proposes a series of remedies that transform consumer experience will lead to more choice and savings. Twenty-one measures proposed, including better information on prices, treatments, medicines and ownership, a price cap on written prescriptions and a new comprehensive price comparison website. The current regulatory system is not fit for purpose and must be modernised to keep pace with commercial practice and ensure pet owners are protected.

[Læs mere](#)

Dato: 15/10/2025

Market study on artificial intelligence and competition by the competition commission of India

Artificial Intelligence (AI) is progressively transforming businesses across industries and holds significant potential to boost productivity and innovation. It is reshaping competition dynamics, business operations, and regulatory response. The AI landscape has rapidly transitioned from experimental use to mainstream adoption, becoming a cornerstone of digital transformation strategies globally. AI can fundamentally reshape how firms make decisions, in particular AI assisted and automated decision-making and optimise business processes. The Competition Commission of India (CCI) has undertaken this market study through Management Development Institute (MDI), Gurgaon, to understand AI ecosystem, competition issues emanating from the AI stack and the application of AI in markets in India. The study also provides an overview of the existing and evolving regulatory/legal frameworks governing AI.

[Læs mere](#)

Dato: okt. 2025



3 | LITTERATUR (DK)

Artikler fra UfR

Intet nyt.

Nye publikationer fra Erhvervsministeriet

Regeringen modtager stort milliardløfte fra europæisk erhvervsliv

En række af EU's største virksomheder, herunder større forsvarsvirksomheder, erklærer sig nu klar til at investere et milliardbeløb i EU i de kommende år. Derfor har det danske EU-formandskab sammen med EU-Kommissionen modtaget en erklæring og investeringsløfte fra virksomhederne.

[Læs mere](#)

Dato: 1/10/2025

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: 11, 2025:

The fact-finding inquiry undertaken by the Italian Competition Authority into the pricing algorithms employed in airline revenue management on routes linking Sicily and Sardinia (IC56)

Emiliano Marchisio

Abstract: Reviews key features of the Italian Competition Authority's fact-finding inquiry into pricing algorithms used on domestic air routes between Sicily and Sardinia, including its methodology, its antitrust findings on issues such as transparency, its main recommendations and its policy implications.

Theoretical exploration of conditional approval in the undertakings concentrations review

Zhang Zhuoyuan and Zhang Shiming

Abstract: Presents a comparative analysis of the Chinese, EU and US approaches to conditional approval in concentration reviews. Examines the principles underpinning each regime, their behavioural and structural remedies, the types of commitments or obligations available, and the use of arbitration clauses.

Between clarity and ambiguity: legal certainty in the draft guidelines on article 102 TFEU

Mariateresa Maggolino

Abstract: Reviews key aspects of the Commission's 2024 draft guidelines on TFEU art.102, including their drafting technique, approach to exclusionary abuse, and normative consistency of their proposed tests. Discusses remaining ambiguities and whether they improve legal certainty in antitrust enforcement.

Als and their competitive effects: a legal perspective on the impact of Als on markets and consumer behaviour

Carla Failla

Abstract: Discusses the competitive effects of artificial intelligence tools on consumer decision-making and market dynamics, whether the novel strategic behaviour they induce requires the existing EU competition framework to be re-evaluated to tackle regulatory gaps, and the issues to be addressed.

Canada: mergers - merger control

Kaeleigh Kuzma

Abstract: Notes the Canadian Competition Bureau ruling in Canadian Natural Resources Ltd / Schlumberger NV which found a proposed merger in the oilfield services market would lead to a significant increase in market concentration, and details the subsequent consent agreement involving oil plant divestitures.

Denmark: anti-competitive practices - infringement

Jens Munk Plum

Abstract: Highlights the Danish Competition and Consumer Authority ruling in Bjergkiosken / Ugleboden imposing a fine of DKK 250,000 on a Himmelbjerget food and beverages stall holder for participation in a market-sharing cartel of 25 years' duration. Notes the leniency application involved.

Finland: procurement - decision

Joachim Wik and Anna Joutsi

Abstract: Notes the Finnish Competition and Consumer Authority ruling in Municipality of Muhos, issuing an admonition for directly procuring HVAC cleaning work and building maintenance work from a party by breaking the procurement into artificial lots which fell below the thresholds for tendering procedures.

Finland: procurement - legislation

Joachim Wik and Anna Joutsi

Abstract: Notes the ongoing consultation on proposed reforms to Finland's public procurement regime, including changes to the share ownership requirements for in-house entities and revised rules on renewal of competitive tendering and security-critical procurements.

**Germany: competition - judgment**

Bianca Grujcic

Abstract: Notes the German Federal Court of Justice ruling in Bundesgerichtshof (Apple) (KVB 61/23) upholding a Federal Cartel Office finding that the large-scale digital platform Apple was of "paramount cross-market significance for competition" under the Act Against Restraints of Competition s.19a.

Portugal: anti-competitive practices - infringement

Rodrigo Pacheco Bettencourt and Ines Goncalves Pereira

Abstract: Notes the Portuguese Competition Authority settlement ruling in Empresa de Gestao do Setor da Banana Lda imposing a EUR 30,000 fine on a company in the banana trading sector for abuse of dominance which required producers to sign exclusivity statements preventing them selling to other distributors.

South Africa: mergers - merger control

Ryan Goodman, Zaid Bhayat and Fayyaadh Khan

Abstract: Notes South African litigation surrounding the proposed acquisition by Vodacom Proprietary Ltd of a stake in Maziv Proprietary Ltd in the fibre technology sector, the competition concerns underpinning an initial prohibition, the subsequent conditional approval and the merger control implications.

Slovenia: competition - sector inquiry

Eva Skufca

Abstract: Notes the completion of the Slovenian Competition Protection Agency's inquiries into the food delivery market and the district heating sector. Highlights key features of the investigations, the potential competition concerns, and the grounds for finding no antitrust violations had occurred.

Sweden: mergers - merger control

Stefan Pervan Lindeborg and Desiree Gomez Harndahl

Abstract: Highlights key features of the revised merger notification regulations and guidelines adopted by the Swedish Competition Authority, including extended obligations for identification of relevant markets, additional information requirements for notifying parties, and rules on incomplete notifications.

Türkiye: mergers - merger control

Gonenc Gurkaynak, Eda Duru and Betül Bas Comlekci

Abstract: Notes the Turkish Competition Board ruling in Ideasoftware Yazılım Sanayi ve Ticaret / Turgut Nezi Sipahioğlu / GT Global Danışmanlık AS approving a proposed merger across markets including e-commerce, software and technology infrastructure, subject to relevant commitments and behavioural remedies.

Artikler fra European Competition Journal

Intet nyt.

Artikler fra Journal of Competition Law and Economics

Intet nyt.

Artikler fra Journal of Antitrust Enforcement

Intet nyt.

Artikler fra Journal of European Competition Law and Practice

Intet nyt.



Artikler fra World Competition

Volume 48, Issue: 3, 2025

How Long Do Cartels Last in Developing Countries? An Economic Analysis of the Determinants of Cartel Duration in Brazil

Paulo Burnier Da Silveira

This paper analyses the determinants of cartel duration by using a dataset of 120 cases sanctioned by the Brazilian Competition Authority (CADE) between 1999 and 2022, which corresponds to all cartels sanctioned by CADE in Brazil from its inception until December 2022. The research considers the starting and the ending dates of the infringement as indicated in the case files, and it reveals an average duration of four years per cartel. Around 20% of the cartels had a very short duration (less than three months), while the longest cartel durations were around twenty years per cartel (i.e., the cartels in the markets of cement, salt extraction and marine hoses). The research then focuses in exploring the key determinants that may affect the duration of cartels, including the affected economic sector, the number of defendants and the geographic scope (i.e., local, national or international cartel). For this purpose, the research provides a statistics description of the database, which includes more than 2,500 defendants and total fines of around ten billion BRL (two billion Euros). The paper also explores possible correlations between these key determinants and the duration of cartels, by applying tests to measure the intensity of the correlations and its statistical significance, in addition to a regression exercise using ordinary least squares (OLS) and weighted least squares (WLS) to complete the analysis. Last, a cartel survival estimation based on a Kaplan-Meier modelling indicates the probability of a cartel surviving after a given number of years, as done in similar academic work related to other jurisdictions. The paper concludes with a summary of the key findings and suggestions for future work.

Future Proofing the DMA for Agentic AI: Lessons from the AI Act

Jan-Frederick Göhsl

Fully automated agents will soon be changing the landscape of the digital economy. In the process, they will make the lives of consumers a whole lot easier. However, the age of Agentic Artificial Intelligence (AI) presents new challenges for digital regulation, particularly for the Digital Markets Act (DMA). Due to the different business models of such AI Agents, it is by no means certain that the DMA is even applicable to these services. This is especially true for those AI Agents that can automatically conclude contracts for consumers. While the introduction of special rules for AI Agents in international contract law has been discussed for some time, the DMA shows a significant blind spot in this regard, as these services do not fall under any category of core platform services in the DMA. This problematic gap could be closed either by introducing a general definition of core platform services or by extending the Commission's mandate to adopt delegated acts in order to add new services to the list of core platform services. That the latter solution is feasible is suggested by a comparison of the DMA's rules with the rules for high-risk AI systems in the European AI Act.

Assessing the Digital Competition Bill, 2024: A Proposal to Feel the Stones Before Crossing the River

Shruti Aji Murali, Ravi Gangal, Binit Agrawal

This article critically assesses the Digital Competition Bill, 2024 ('DCB'), introduced by the Indian government proposing an ex-ante framework to regulate the digital economy. The article argues for a phased implementation of the proposed ex-ante framework, with revisions to the current draft based on market studies, practical realities, and jurisprudential prerequisites, especially in light of India's nascent digital economy. The article, recognizing that ex-ante law has become a mainstream tool to regulate the digital economy, highlights the need for extensive evidence-based assessment of market failures before imposing extensive regulations. It emphasizes the importance of measuring implementation costs and potential conflicts with existing regulatory frameworks. The article analyses the draft DCB's potential impact on the Indian economy, emphasizing the need to scrutinize provisions that could affect dynamic growth. For instance, the DCB's broad definitions and low thresholds for designating Systemically Significant Digital Enterprises ('SSDEs') could lead to over-regulation. The article suggests that the DCB should be optimized to avoid unintended negative consequences for India's digital economy. It calls for wider consultations and further studies on the DCB's impact before its full implementation.

Multi-homing Limitations in the Brazilian Food Delivery Sector: A Case Study on iFood Cade's Decision

Vinicius Klein, Isabella Triebess

The expansion of digital platforms influences competition policies, particularly in markets as online food delivery. This article examines the competition law's treatment of exclusivity and the role of multi-homing in the sector, focusing on the Brazilian Competition Authority's (CADE's) decision in the iFood case. Multi-homing may seem an essential tool to enhance competition in digital platform markets, but it also has limitations and might harm entry in the market. A rigid treatment of exclusivity clauses by competition authorities can achieve benefits through multi-homing that must be balance against negative consequences, such as higher costs and decrease in marketing and data support for



restaurants, especially small ones. Therefore, the online food delivery market debate shows the need to balance multi-homing as a competitive goal with economic efficiencies.

Testing the Boundaries of Competition Law: The Expansion of the UK Collective Proceedings Regime

Bill Batchelor, Bruce Macaulay, Matthew M. Martino, Mustafa Mirza

The Consumer Rights Act 2015 has been in force for a decade, leading to numerous applications for collective proceedings orders in the Competition Appeal Tribunal (CAT) following the UK Supreme Court's landmark ruling in *Merricks v. Mastercard*. Consequently, the CAT has become one of the UK's busiest courts. Despite its infancy, the regime has quickly become a popular avenue for class actions, with claims spanning various industries and theories of harm. Yet, certain core aspects of the regime have surfaced only recently or remain unresolved. This article reflects on the development of the regime and considers whether it strikes the right balance between compensating consumers and ensuring that unmeritorious claims are identified at an early stage.

Artikler fra Antitrust Law Journal

Intet nyt.

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

Intet nyt.

Artikler fra International Review of Law and Economics

Volume 83, Issue: 1, 2025

Has the European Takeover Bids Directive reached its objectives? The cases of Finland, Germany and Spain

Nuria Alcalde-Fradejas, Inés Pérez-Soba

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.

**Conflict and property law: The hidden costs of takings and of liability rule protection**

Sergio Mittlaender

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

Sebastian Roché, Simon Varaine, Paul Le Derff

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

Haoyi Zhang

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

Miguel Alves Pereira

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**

Pengfei Zhang, Ji Li

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.

Competition and the two margins of privacy

David Bounie, Antoine Dubus, Patrick Waelbroeck

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

Jinglei Huang, Danxia Xie

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.

The impact of antitrust enforcement on China's digital platforms: Evidence from SAMR v. Alibaba

Kenneth Khoo, Sinchit Lai, Chuyue Tian

Article 106268

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.

The role of the regulatory framework in enhancing SMEs' digital transformation

Marianna Succurro, Cristiana Donati

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.

Vertical interoperability in mobile ecosystems: Will the DMA deliver (what competition law could not)?

Giuseppe Colangelo, Alba Ribera Martínez

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).

Artikler fra Competition Law Journal

Intet nyt.

Artikler fra European Competition and Regulatory Law Review

Issue: 3/2025

The Notification Procedure Under Directive 2015/1535/EU as Guardian of the Internal Market in the Context of Elisa Eesti AS

Christina Renner, Maciej Plotka

Resilience and technological sovereignty are on top of the EU's and Member States' agendas, and so is the national security dimension of EU and national legislation adopted in that context. Under the Single Market Transparency Directive (SMT Directive), based on the duty of sincere cooperation (Article 4(3) TEU), Member States have the obligation to notify the European Commission of national measures if these qualify as technical regulations governing the supply of goods, or the provision of information society services. Failure to comply with the obligation to notify renders the national rule inapplicable against companies and individuals. A recent case brought to the European Court of Justice by preliminary reference from the Tallinn Administrative Court (the Elisa Eesti case) highlights Member States' obligations under the SMT Directive, which are rarely discussed in the literature. The case also sheds a spotlight on the relationship with the national security prerogative stipulated in Article 4(2) TEU. The Estonian government takes the view that it is not bound by the SMT Directive, EEC or Treaty rules on the internal market when introducing a prior authorisation mechanism imposed on telecommunications providers with regard to their suppliers, claiming the legislation was adopted on grounds of national security. The authors, however, conclude that there is no blanket derogation for Member States under Article 4(2) TEU. The duty of cooperation requires Member States to establish and prove the national security grounds generally, and under the SMT Directive specifically, and remain subject to the principle of proportionality as well as the jurisdiction of the CJEU.

Big Tech and the Limitations of the Effects-Based Approach in Competition Law: The European Union's Struggle with Self-Preferencing

Margarida Mirra

This article explores the distinctive characteristics of the digital economy that, when combined, make it conducive to being monopolised, and the different approaches adopted in the European Union (EU) to address the conduct of self-preferencing by dominant platforms. The analyses of the key characteristics of digital markets that directly limit contestability explain why durable positions of significant market power are likely to arise, thereby dramatically changing the antitrust landscape. To address the new challenges of self-preferencing, identified as a distinct type of exclusionary practice specific to digital platform markets, the article compares the two approaches adopted by the EU to self-preferencing, being the first one the 'abuse of dominant position of self-preferencing', which represents an 'ex post' case-by-case approach requiring the demonstration of potential anti-competitive effects, and the second one the 'prohibition of self-preferencing', a sector-specific ex ante regulation for large 'gatekeepers' created due to concerns about the growing



power of big tech and to repudiate the effects-based analysis. To conclude, the article argues that while no single solution is perfect, the dominance of big tech suggests the conventional approach has arguably failed to protect undistorted competition. Changes are required to antitrust laws and prescriptive regulations to supplement the existing legal framework, reflecting a necessary shift towards a more proactive, interventionist, and pro-enforcement approach for powerful platforms.

Obstruction During Antitrust Dawn Raids: Enforcement Trends in the European Union and France

Florence Bronner, Carlotta Frascoli

This article focuses on recent developments in the decision-making practice of the European Commission and national competition authorities regarding obstruction during dawn raids. In particular, after summarising the European legal framework and the impact of the transposition of the ECN+ Directive, this article examines two French decisions, the Akka case and the Loste case, and analyses how the French Competition Authority applied the principles established by the Commission and the European courts to the specific national circumstances and the two cases in question. The article then explores the scope and evolution of the duty of active cooperation, the various possible forms of obstruction and the elements necessary to qualify such a procedural infringement, as well as the criteria for the determination of the fine. Finally, this contribution aims at highlighting the reasons for the severity with which the enforcers currently treat this type of procedural infringement, while also seeking to provide practical guidance on how to behave in the event of a dawn raid.

Disparagement Practices in the Pharmaceutical Sector: A Novel Form of Abuse of Dominant Position

Maira Aivalioti

This article aims to assess how disparagement may be considered an anticompetitive practice that can constitute an abuse of dominant position under Article 102 TFEU. The discussion is particularly timely and significant, in light of the wave of relevant decisions by National Competition Authorities and the recently published prohibition decision by the European Commission, which imposed on Teva Pharmaceuticals a €462.6 million fine for abusing its dominant position in the market for glatiramer acetate, the active ingredient in its blockbuster multiple sclerosis drug, Copaxonemillion.

Artikler fra Communications Law

Volume 30, Issue: 3, 2025

The race to regulation: OFCOM fires the "starting gun", but has the Online Safety Act 2023 made false start? (Editorial)

Peter Coe

Abstract: Reviews the continuing controversies over technology companies' approach to issues such as age verification procedures, privacy and data protection, and considers the potential implications for regulatory measures including the Online Safety Act 2023 and OFCOM initiatives to tackle online harms.

Breach of confidence and disclosures in the private interest: on the viability of importing a qualified privilege defence from defamation law

Eugene C. Lim

Abstract: Discusses the limitations of the public interest defence in the context of breach of confidence actions, and the scope for importing a version of qualified privilege from defamation law, under which privileged disclosures could be justified by social, legal or moral interests of a private nature.

Hearing prisoners' voices: prisoners' rights to free speech and access to the media

Steve Foster

Abstract: Discusses, with reference to cases including R. (on the application of Alexander) v Secretary of State for Justice (Admin) the scope of prisoners' rights under ECHR art.10 to obtain access to the media, highlighting the balance to be struck with issues such as prison discipline and public opinion.

Same sex relationship not defamatory (Case Comment)

Abstract: Notes Ahmadi v Guardian News & Media Ltd (KBD) on whether an allegation of homosexuality could be defamatory, considering the change in societal views in recent years, in the context of a claim by an Afghan national whose photograph appeared in an article about anti-gay violence by the Taliban.

**Charleston principles and UKGDPR (Case Comment)**

Abstract: Notes *Vince v Associated Newspapers Ltd* (KBD) on whether an unfair data processing claim, arising from placement of a photograph of the claimant next to the headline of a newspaper article, should have been brought with his libel claim and struck out as an abuse of process or summarily dismissed.

Calling out libel case and summary judgment (Case Comment)

Abstract: Notes *Bridgen v Hancock* (KBD) on the arguability of a "calling out" case of libel based on serious harm arising from innuendo reference, where the statement at issue described the comments made by the claimant Member of Parliament in a social media post as antisemitic without naming the claimant.

First Scottish decision on honest opinion and public interest defences (Case Comment)

Abstract: Notes *Gillespie v Wardrop* (OH) on whether separate allegations against directors of a football club of breach of fiduciary duty by failing to disclose a conflict of interest and lying about the situation were defensible as a publication on a matter of public interest and honest opinion, on the facts.

Artikler fra Computer and Telecommunications Law Review

Intet nyt.

Artikler fra Global Competition Litigation Review

Volume 18, Issue: 3, 2025

Relative responsibility of joint and several debtors in cartel damages cases: transaction profit as the decisive criterion

Christian Kersting

Abstract: Suggests why individual assessments of individual joint and several liability relationships should be used when determining liability to injured parties in cartel damages actions under German and EU law. Explains how such liability is allocated amongst cartelists, and the practical implications.

Declaratory relief in merger control

Alan Zheng

Abstract: Examines, with reference to Australian jurisprudence, the potential scope for granting declaratory relief in UK merger control proceedings through the High Court's inherent jurisdiction. Discusses the type of cases concerned, and the justiciability and public policy issues that may prevent its use.

Is an expert-led approach desirable?

Richard Pike

Abstract: Reviews key aspects of the expert-led approach used in the second wave of "Trucks Cartel" litigation before the Competition Appeal Tribunal, involving multiple follow-on damages claims, and its impact on expert independence. Examines the approach of other jurisdictions, and potential alternatives.

US Second Circuit CA grants motion to compel arbitration of an antitrust class action (Case Comment)

Gordon Blanke

Abstract: Notes the US Court of Appeals for the Second Circuit ruling in *Davitashvili v Grubhub Inc* on whether, in an antitrust class action the parties had concluded an arbitration agreement, whether arbitrability was a matter for the court or arbitrator, and whether the arbitration clauses were enforceable.

Artikler fra Market and Competition Law Review

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