Konkurrenceretlig Nyhedsoversigt nr. 108 / dækkende 19. december 2025 – 3. februar 2026

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1 | DANSK RET

Nyt fra Konkurrence- og Forbrugerstyrelsen

Norvestor IXs - gennem selskabet Circuit Bidco AS - erhvervelse af enekontrol over Norautron AS er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 05/01-2026

Brødr. Ewers erhvervelse af Hjaltelin er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 16/01-2026

Semlers overtagelse af MAN Truck & Bus Danmark er godkendt
Konkurrence- og Forbrugerstyrelsen modtog den 19. december 2025 en anmeldelse af en fusion mellem Semler Gruppen A/S (herefter "Semler") og MAN Truck & Bus Danmark A/S (herefter "MAN Danmark").
Læs mere
Dato: 16/01-2026

Godkendelse på baggrund af en forenklet sagsbehandling af NRGi Renewables A/S' erhvervelse af enekontrol over Gronkaer, Handest, Lonborg Hede II og Denmark 1 Odde
Konkurrence- og Forbrugerstyrelsen modtog den 14. januar 2026 en forenklet anmeldelse af en fusion mellem NRGi Renewables A/S og Gronkaer Wind Park ApS, Handest Wind Park ApS, Lonborg Hede II Wind Park ApS samt Denmark Wind 1 Odde ApS.
Læs mere
Dato: 19/01-2026

Waterlands erhvervelse af Watermill og dets datterselskaber er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 23/01-2026

Skifter Lastbils overtagelse af Volvo Truck Center Viborg og Volvo Truck Center Holstebro fra Volvo Danmark er godkendt
Konkurrence- og Forbrugerstyrelsen modtog den 17. december 2025 en anmeldelse af en fusion mellem Skifter Lastbil A/S' og Volvo Truck Center Viborg og Volvo Truck Center Holstebro. Konkurrence- og Forbrugerstyrelsen godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 26/01-2026

Godkendelse på baggrund af en forenklet sagsbehandling af Nic. Christiansen Gruppen A/S' erhvervelse af enekontrol over Sondrup Bilcenter A/S
Konkurrence- og Forbrugerstyrelsen modtog den 18. december 2025 en almindelig anmeldelse af Nic. Christiansen Gruppen A/S' erhvervelse af enekontrol over Sondrup Bilcenter A/S. Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere

Dato: 27/01-2026

Nyt fra Konkurrencerådet

Intet nyt i denne udgave.

Nyt fra Konkurrenceankenævnet

Kendelse af 19. december 2025 - Boligtextilbranchens Indkøbsservice A.M.B.A. (Botex) mod Konkurrencerådet
Konkurrenceankenævnet har afgjort, at der ikke er tilstrækkeligt grundlag for at fastslå, at den frivillige butikskæde Botex har overtrådt konkurrenceloven, da den tildelte sine medlemmer eksklusive markedsføringsområder. Ankenævnets kendelse falder, efter sagen har været genbehandlet af Konkurrencerådet.
Læs mere
Dato: 19/12-2025

Nyt fra domstolene

Civilretlige afgørelser
Intet nyt i denne udgave.

Straffesager
Intet nyt i denne udgave.

Lovforslag i høring

Intet nyt i denne udgave.

Ny lovgivning

Intet nyt i denne udgave.

Nyt fra Ankestyrelsen

Intet nyt i denne udgave.

Andet

Intet nyt i denne udgave.

2 | EUROPÆISK OG INTERNATIONAL RET

Nyt fra Kommissionen

Antitrust and cartels
Intet nyt i denne udgave.

Mergers
Intet nyt i denne udgave.

State aid

Commission approves reform of French capacity mechanism for security of electricity supply
The European Commission has approved, under EU State aid rules, the reform of the French electricity capacity mechanism. This aid measure aims to ensure that there is sufficient capacity to produce, store or flexibly consume electricity and that electricity production meets the expected demand.
Læs mere
Dato: 22/12-2025

Commission approves €61 million Belgian rescue aid for Lineas Group
The European Commission has approved, under EU State aid rules, a Belgian €61 million rescue loan to rail freight operator Lineas Group SA/NV. In parallel, following a complaint the Commission received from a stakeholder, it has concluded that two past measures relating to Lineas Group do not constitute State aid.
Læs mere
Dato: 22/12-2025

Commission approves €167.8 million French restructuring aid to Corsair
The European Commission has approved, under EU State aid rules, French restructuring aid of a total of €167.8 million to airline Corsair. The aid consists of an €80 million write-off on loans that were approved by the Commission in December 2020 and €87.8 million of additional financing. The approval is subject to conditions.
Læs mere
Dato: 23/12-2025

Commission amends ETS State aid Guidelines to tackle carbon leakage for more energy-intensive industries
The European Commission has today adopted an amendment to the Guidelines on certain State aid measures in the context of the system for greenhouse gas emission allowance trading post-2021 ('ETS State aid Guidelines').
Læs mere
Dato: 23/12-2025

Commission approves €200 million German State aid for Canadian-produced renewable hydrogen and its derivatives for EU market
The European Commission has approved, under EU State aid rules, a €200 million German scheme to support the production in Canada of renewable hydrogen and its derivatives, known as renewable fuels of non-biological origin (RFNBOs). These RFNBOs will be imported to Germany and sold in the EU, contributing to the objectives of the Clean Industrial Deal, the EU Hydrogen Strategy, and the REPowerEU Plan to reduce dependence on Russian fossil fuels and accelerate the clean transition.
Læs mere
Dato: 15/01-2026

Member States continued focus on EU key priorities amid reduced spending in 2024, State aid Scoreboard shows
EU Member States spent 90% of their State aid in 2024 to support EU priorities, according to the European Commission's 2025 State aid Scoreboard, published today. While overall spending dropped to €168.23 billion in 2024 from €203.35 billion in 2023, Member States channeled more funds towards supporting key EU prorities, such as environmental protection, energy, research, development and innovation and regional development. At the same time, crisis aid measures related to the Russian invasion of Ukraine and to the COVID-19 pandemic continued to phase out.
Læs mere
Dato: 15/01-2026

Commission approves €3.1 billion Spanish State aid support for cogenerated electricity
The European Commission has approved, under EU State aid rules, a €3.1 billion Spanish scheme to support the production of electricity from new or substantially refurbished highly efficient combined heat and power ('CHP') plants. The measure will contribute to the implementation of Spain's National Energy and Climate Plan, the Clean Industrial Deal and the EU's energy efficiency targets.
Læs mere
Dato: 28/01-2026

Andet
Commission opens in-depth foreign subsidies investigation into Goldwind's activities in the EU wind sector
The European Commission has opened an in-depth investigation to assess, under the Foreign Subsidies Regulation ('FSR'), the activities of Goldwind Science & Technology Co., Ltd. ('Goldwind') in the production and sale of wind turbines and the provision of related services within the EU. The Commission has preliminary concerns that Goldwind may have been granted foreign subsidies that could distort the EU internal market.
Læs mere
Dato: 03/02-2026

Commission publishes Foreign Subsidies Regulation Guidelines
The European Commission has published Guidelines under the Foreign Subsidies Regulation (FSR) to bring further predictability and ensure transparency for companies. They clarify several concepts, such as how the Commission concludes whether there is a distortion of competition caused by a foreign subsidy, how distortive effects are balanced against any positive effects of a foreign subsidy, and the Commission's power to request prior notification of below-threshold cases.
Læs mere
Dato: 09/01-2026

Nyt fra EU-domstolen

Domme
C-588/24 – Imballagi Piemontesi

Nøgleord:
»Præjudiciel forelæggelse – konkurrence – artikel 101 TEUF – forbuddet mod karteller – de nationale konkurrencemyndigheders procedurer vedrørende overtrædelse af konkurrencereglerne – overholdelse af en rimelig frist – frist for afslutning af overtrædelsesprocedurens undersøgelsesfase – national lovgivning, der tillader den nationale konkurrencemyndighed ensidigt at udsætte denne frist på grund af omstændigheder, der bevirker en udvidelse af genstanden for denne procedure eller antallet af berørte virksomheder – det almindelige princip om retten til god forvaltning – artikel 47 i Den Europæiske Unions charter om grundlæggende rettigheder – princippet om en effektiv domstolsbeskyttelse – virksomhedernes ret til forsvar – effektivitetsprincippet«

Tvist:
Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 41 og 47 i Den Europæiske Unions charter om grundlæggende rettigheder (herefter »chartret«) og artikel 6 i den europæiske konvention til beskyttelse af menneskerettigheder og grundlæggende frihedsrettigheder, undertegnet i Rom den 4. november 1950 (herefter »EMRK«). Anmodningen er blevet indgivet i forbindelse med en tvist mellem Imballaggi Piemontesi Srl og Autorità Garante della Concorrenza e del Mercato (AGCM) (konkurrence- og markedstilsynsmyndigheden, Italien, herefter »AGCM«) vedrørende de sanktioner, som denne sidstnævnte myndighed har pålagt Imballaggi Piemontesi for en konkurrencebegrænsende aftale.

Dom:
Artikel 101 TEUF, sammenholdt med det almindelige princip om retten til god forvaltning, artikel 47 i Den Europæiske Unions charter om grundlæggende rettigheder og effektivitetsprincippet skal fortolkes således, at denne bestemmelse

ikke er til hinder for en national lovgivning, der i forbindelse med en national konkurrencemyndigheds procedure med henblik på konstatering af en konkurrencebegrænsende praksis ikke udtrykkeligt fastsætter, at den frist for afslutning af undersøgelsesfasen i denne procedure, som denne myndighed har fastsat i klagepunktsmeddelelsen, har en ufravigelig karakter, således at den nævnte myndighed ensidigt kan udsætte denne frist ved begrundede foranstaltninger, der er underlagt en domstolskontrol, når der opstår omstændigheder, der bevirker en udvidelse af genstanden for denne procedure eller antallet af berørte virksomheder, forudsat at en sådan udsættelse ikke medfører en overskridelse af den rimelige frist, inden for hvilken denne undersøgelsesfase skal afsluttes.

Læs mere
Dato: 15/01-2026

C-615/24 - Ambito territoriale di caccia Ancona 2

Nøgleord:
» Præjudiciel forelæggelse – statsstøtte – landbrugssektoren – forordning (EU) nr. 1408/2013 – de minimis-støtte – tilsyn – medlemsstat, som bestemmer tildeling og udbetaling af de minimis-støtten uden at kræve en specifik erklæring fra den ansøgende virksomhed om størrelsen og arten af den statsstøtte, som eventuelt er opkrævet i løbet af tre regnskabsår – fremlæggelse af selvcertificering vedrørende sådan støtte «

Tvist:
Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 3 og artikel 6, stk. 1 og 2, i Kommissionens forordning (EU) nr. 1408/2013 af 18. december 2013 om anvendelse af artikel 107 og 108 i traktaten om Den Europæiske Unions funktionsmåde på de minimis-støtte i landbrugssektoren (EUT 2013, L 352, s. 9). 2 Denne anmodning er blevet indgivet i forbindelse med en tvist mellem Azienda Agricola Camarzano di RK (herefter »Azienda Agricola«), der er en landbrugsbedrift, og Ambito territoriale di caccia Ancona 2 (det territoriale jagtområde i Ancona 2, Italien) (herefter »ATC«) vedrørende en påstand om erstatning for skader forårsaget af vilde dyr på Azienda Agricolas dyrkning af økologisk hård hvede i 2014.

Dom:
På grundlag af disse præmisser kender Domstolen (Syvende Afdeling) for ret: 1) Artikel 3 og artikel 6, stk. 1 og 3, i Kommissionens forordning (EU) nr. 1408/2013 af 18. december 2013 om anvendelse af artikel 107 og 108 i traktaten om Den Europæiske Unions funktionsmåde på de minimis-støtte i landbrugssektoren skal fortolkes således, at disse bestemmelser er til hinder for en national lovgivning, der foreskriver ydelse og udbetaling af de minimis-støtte til landbruget i den første treårsperiode forud for den fuldstændige oprettelse af det centrale register over støtte på nationalt plan uden at kræve en specifik erklæring fra den ansøgende virksomhed vedrørende størrelsen og arten af anden statsstøtte, som virksomheden har modtaget i det indeværende regnskabsår og de to foregående regnskabsår. 2) Artikel 3 og artikel 6, stk. 1 og 3, i forordning nr. 1408/2013 skal fortolkes således, at fremlæggelsen af en erklæring vedrørende eventuel støtte, der er modtaget i en treårsperiode forud for den fuldstændige oprettelse af et centralt register over støtte på nationalt plan, ikke er et formalitetskrav for indgivelsen af støtteansøgningen, men at en sådan erklæring er en betingelse for tildelingen af støtten, hvorfor medlemsstaten skal indhente erklæringen, inden en sådan støtte indrømmes.

Læs mere
Dato: 01/15-2026

T-93/24 – Lantmännen

Nøgleord:
(Competition – Agreements, decisions and concerted practices – Markets for ethanol and for bioethanol – Decision establishing an infringement of Article 101 TFEU and Article 53 of the EEA Agreement – Staggered 'hybrid' procedure – Presumption of innocence – Impartiality)

Tvist:
By their action based on Article 263 TFEU, the applicants, Lantmännen ek för and Lantmännen Biorefineries AB, request the Court to annul European Commission Decision C(2023) 8320 final of 7 December 2023 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (AT.40054 – Ethanol Benchmarks ('the contested decision').

Dom:
In the contested decision, the Commission found that the applicants had infringed those provisions by participating in a single and continuous infringement the object of which was to influence in a coordinated fashion the wholesale price formation mechanism on the European ethanol market, that decision having been adopted in the context of a staggered 'hybrid' procedure consisting of the adoption, first, of a settlement decision and, second, of a decision closing the ordinary procedure.

Læs mere
Dato: 21/01-2026

C-311/24 – Bundeswettbewerbsbehörde

Nøgleord:
» Præjudiciel forelæggelse – landbrug – illoyal konkurrence – urimelig handelspraksis – direktiv (EU) 2019/633 – forbud – artikel 3, stk. 1, litra d) – krav om betaling, der ikke vedrører salg af leverandørens landbrugs- og fødevarer – artikel 6, stk. 1, første afsnit, litra e) – beføjelse til at pålægge bøder – kvalificering af flere forbudte former for urimelig handelspraksis, der giver anledning til pålæggelse af en enkelt bøde, som en »samlet overtrædelse« – princippet ne bis in idem – national lovgivning, der fastsætter et loft for bøden «

Tvist:
Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 6, stk. 1, første afsnit, litra e), i Europa-Parlamentets og Rådets direktiv (EU) 2019/633 af 17. april 2019 om urimelig handelspraksis i relationer mellem virksomheder i landbrugs- og fødevareforsyningskæden (EUT 2019, L 111, s. 59). Anmodningen er blevet indgivet i forbindelse med fire forenede sager mellem Bundeswettbewerbsbehörde (forbundskonkurrencemyndighed, Østrig) (herefter »BWB«) og selskabet M. GmbH vedrørende gyldigheden af krav om betaling, som sidstnævnte selskab tilstillede sine leverandører.

Dom:
»Artikel 6, stk. 1, første afsnit, litra e), i Europa-Parlamentets og Rådets direktiv (EU) 2019/633 af 17. april 2019 om urimelig handelspraksis i relationer mellem virksomheder i landbrugs- og fødevareforsyningskæden, sammenholdt med artikel 6, stk. 1, andet afsnit, i dette direktiv, skal fortolkes således, at denne bestemmelse ikke er til hinder for en national lovgivning, der fastsætter, at flere krav om betaling, der ikke vedrører salg af landbrugs- og fødevarer, som omhandlet i nævnte direktivs artikel 3, stk. 1, litra d), og som en køber på grundlag af en viljesbeslutning med en sammenhængende motivation samtidigt har tilstillet flere leverandører, sammen skal kvalificeres som en samlet overtrædelse, der giver anledning til pålæggelsen af en enkelt bøde, som er begrænset til et fast beløb, på betingelse af, at den nationale håndhævende myndighed eller den nationale ret, der har ansvaret for at pålægge sanktioner for denne overtrædelse, har den nødvendige skønsbeføjelse til at fastsætte en bøde, der er effektiv, står i rimeligt forhold til overtrædelsen og har afskrækkende virkning, henset til den nævnte overtrædelses art, varighed, gentagne karakter og grovhed.

Læs mere
Dato: 29/01-2026

C-286/24 - Meliá Hotels International, S.A.
Nøgleord:
» Præjudiciel forelæggelse – søgsmål i henhold til national ret angående erstatning for overtrædelser af bestemmelser i medlemsstaternes og Den Europæiske Unions konkurrenceret – direktiv 2014/104/EU – artikel 5, stk. 1 – anvendelsesområde – særligt anerkendelsessøgsmål med henblik på fremlæggelse af dokumenter forud for den eventuelle anlæggelse af et erstatningssøgsmål – bedømmelsen af rimeligheden af erstatningskravet «

Tvist:
Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 5, stk. 1, i Europa-Parlamentets og Rådets direktiv 2014/104/EU af 26. november 2014 om visse regler for søgsmål i henhold til national ret angående erstatning for overtrædelser af bestemmelser i medlemsstaternes og Den Europæiske Unions konkurrenceret (EUT 2014, L 349, s. 1). Denne anmodning er blevet indgivet i forbindelse med en tvist mellem Meliá Hotels International, S.A. (herefter »Meliá«) og Associação Ius Omnibus (herefter »Ius Omnibus«) i forbindelse med et særligt anerkendelsessøgsmål anlagt af sidstnævnte med påstand om fremlæggelse af dokumenter vedrørende en overtrædelse af konkurrenceretten, som er blevet begået af Meliá.

Dom:
1) Artikel 5, stk. 1, i Europa-Parlamentets og Rådets direktiv 2014/104/EU af 26. november 2014 om visse regler for søgsmål i henhold til national ret angående erstatning for overtrædelser af bestemmelser i medlemsstaternes og Den Europæiske Unions konkurrenceret skal fortolkes således, at denne bestemmelse finder anvendelse på et forudgående søgsmål med påstand om aktindsigt i beviser, inden et erstatningssøgsmål som omhandlet i dette direktivs artikel 2, nr. 4), anlægges, når et sådant forudgående søgsmål er foreskrevet i national ret.
2) Artikel 5, stk. 1, i direktiv 2014/104 skal fortolkes således, at Europa-Kommissionens afgørelse, hvorved der konstateres en overtrædelse af EU-konkurrenceretten i form af et vertikalt konkurrencebegrænsende formål, ikke er tilstrækkelig til at godtgøre rimeligheden af et erstatningskrav, eftersom dette ikke alene kræver, at sandsynligheden for en sådan overtrædelse, der er fastslået ved en sådan afgørelse, påvises, men ligeledes at der påvises en skade og en årsagsforbindelse mellem denne skade og denne overtrædelse. Dette spørgsmål skal ikke besvares anderledes, fordi denne afgørelse er truffet efter en forligsprocedure.
3) Artikel 5, stk. 1, i direktiv 2014/104 skal fortolkes således, at påvisningen af rimeligheden af et erstatningskrav som omhandlet i denne bestemmelse ikke kræver, at det bevises, at det er mere sandsynligt end usandsynligt, at betingelserne for at ifalde ansvar for en overtrædelse af konkurrenceretten er opfyldt. Det er tilstrækkeligt, at sagsøgeren godtgør, at hypotesen om, at disse betingelser er opfyldt, er rimeligt acceptabel.

Læs mere
Dato: 29/01-2026

Forslag til afgørelse
C-52/25 og C-53/25 [Binanrier] – Forenede sager

Nøgleord:
» Præjudiciel forelæggelse – statsstøtte – forordning (EU) nr. 702/2014 – gruppefritagelse for visse former for støtte til landbrugs- og skovbrugssektoren – støtte til kompensation for skader forårsaget af ugunstige vejrforhold, der kan sidestilles med en naturkatastrofe – nedsættelse af støtten i tilfælde af manglende tegning af forsikring – umuligt for støttemodtageren at tegne den krævede forsikring «

Tvist:
»Tillader [artikel 25, stk. 9 i forordning nr. 702/2014], at den pågældende medlemsstat ikke nedsætter den støtte, der har til formål at kompensere landbrugere for skader forårsaget af vejrforhold, der anses for en naturkatastrofe, når støttemodtageren godtgør, at det ikke i den pågældende medlemsstat (i dette tilfælde Belgien) er muligt at forsikre den type produktion, som vedkommende er beskæftiget med (i dette tilfælde permanente og midlertidige græsarealer samt græsningsarealer til kvæg og ikke afgrøder), mod de statistisk set hyppigst forekommende vejrrisici, med en dækning på mindst 50% af den gennemsnitlige årlige produktion eller den produktionsforbundne indkomst fra bedriften?«

Forslag til afgørelse:
På baggrund af samtlige ovenstående betragtninger foreslår jeg Domstolen at besvare det tredje præjudicielle spørgsmål, som er forelagt af Cour d'appel de Mons (appeldomstolen i Mons, Belgien), således:
»Kommissionens forordning (EU) nr. 702/2014 af 25. juni 2014 om forenelighed med det indre marked efter artikel 107 og 108 i traktaten om Den Europæiske Unions funktionsmåde af visse kategorier af støtte i landbrugs- og skovbrugssektoren og i landdistrikter skal fortolkes således, at nedsættelsen af kompensationen på 50% for så vidt angår kompensation for skader forårsaget af ugunstige vejrforhold, der kan sidestilles med en naturkatastrofe, som fastsat i denne bestemmelse, ikke finder anvendelse, når støttemodtageren godtgør, at selv om vedkommende har gjort sig alle rimelige bestræbelser for at tegne en forsikring med henblik på at begrænse de risici, der er forbundet med skader som følge af ugunstige vejrforhold, var det ikke muligt at tegne en forsikring, eftersom der ikke var nogen tilgængelig forsikring af den type produktion, som vedkommende er beskæftiget med, mod de statistisk set hyppigst forekommende vejrrisici. Det tilkommer den forelæggende ret konkret at efterprøve disse faktiske omstændigheder.«

Læs mere
Dato: 15/01-2026

Andet nyt fra EU-domstolen
Intet nyt i denne udgave.

Andet internationalt nyt

CMA regulatory review aims to ease the burden on businesses - UK

Consultation launched on whether to remove market remedies, which could benefit more than 10,000 businesses.
Læs mere
Dato: 19/01-2026

Open consultation - Refining our competition regime - UK
Consultation description:
This consultation seeks views on proposals to improve the pace, predictability, proportionality and process of engagement of the UK's competition regime. The aim is to ensure the framework continues to promote effective competition, support economic growth, and deliver benefits for consumers and businesses, while maintaining the independence of the Competition and Markets Authority (CMA). The primary mission of this government is to deliver economic growth. Effective competition in dynamic UK markets drives investment, productivity, innovation and, ultimately, growth. As set out in the Industrial Strategy, promoting competition and refining the competition regime is central to this mission, with a commitment to "unlock the full potential of competition to increase market dynamism and growth". Independent competition regulation has been the bedrock of the UK's approach for over 25 years. The government is committed to ensuring the CMA has the powers and statutory framework it needs to independently deliver its critical role of promoting competition for the benefit of consumers in response to evolving markets and to drive economic growth. The CMA has already taken significant steps to focus its work on growth and investment while protecting consumers and businesses, in response to the Strategic Steer issued by government in May 2025. Under the leadership of CEO Sarah Cardell and interim Chair Doug Gurr, the CMA has delivered tangible results through its '4Ps' framework to improve pace, predictability, proportionality and process of engagement. This consultation complements those changes by proposing legislative refinements to support the CMA's operational transformation and ensure the UK remains a 'best in class' competition regime. The proposals include: a new decision-making model for the markets and mergers regimes, to enhance the CMA Board's involvement and accountability while safeguarding CMA independence from government in its decision making enhancing the markets regime by streamlining to reduce review times, improving the flexibility of the concurrency framework in markets work, and measures to ensure market remedies remain necessary and proportionate providing greater certainty on when mergers will be subject to investigation by the CMA, and providing more time to agree remedies following Phase 1 merger investigations stronger CMA powers to

investigate algorithms across its competition and consumer protection responsibilities providing the Secretary of State with a formal role in a wider range of key guidance documents We are seeking views on these proposals from businesses, consumers and consumer groups, and others with knowledge and expertise in the UK's competition regime.
Læs mere
Dato: 20/01-2026

CMA launches review of its approach to merger efficiencies – UK
Call for evidence launched as CMA merger efficiencies review gets underway.
Læs mere
Dato: 15/01-2026

Fuel margins remain "persistently high" and this is not explained by operating costs, CMA finds – UK
CMA publishes latest report analysing competition in the road fuel market and the factors influencing prices paid by drivers.
Læs mere
Dato: 22/12-2025

3 | LITTERATUR (DK)

Artikler fra UfR

Intet nyt i denne udgave.

Nye publikationer fra Erhvervsministeriet

Intet nyt i denne udgave.

Artikler fra Juristen

Juristen, nr. 6, 2025.

Artikel:
Prof. Karsten Naundrup Olsen: Kommunen på den udenrigspolitiske scene s. 389-402.

Den nye udgave af Juristen indeholder en artikel skrevet af prof. Karsten Naundrup Olsen, der behandler situationen når kommuner bevæger sig ind på den udenrigspolitiske scene gennem tilkendegivelser ved større udenrigspolitiske konflikter; såsom Ukraine-krigen eller invasionen af Gaza-striben. Artiklen klargør de retlige rammer og aspekter for kommunernes ageren, ets udvikling og muligheder herfor.

Artikler fra Erhvervsjuridisk Tidsskrift

Intet nyt i denne udgave.

Artikler fra Revision og Regnskabsvæsen

Intet nyt i denne udgave.

Artikler fra EU-ret og Menneskeret

Årgang 32 (2026): Nummer 4 (Jan 2026)

Artikel: EU-konkurrenceret fra november 2024 til oktober 2025 – praksis, domme og lovgivning Af: Kristian Helge Straton-Andersen, Martin André Dittmer, og Laura Bennike. S. 230-248.

Den nye udgave af EU-ret og Menneskeret fra januar 2026 indeholder en artikel skrevet af ovenstående, der behandler konkurrenceret i forbindelse med EU – hertil praksis, domme og ny lovgivning på området. Artiklen gennemgår de mest centrale udviklinger på konkurrenceret-området i EU-regi fra november 2024 – oktober 2025.

Anden dansk og nordisk litteratur

Intet nyt i denne udgave.

4 | LITTERATUR (UK)

Artikler fra European Competition Law Review

Volume 47, issue 1, 2026:

Editorial: issue 1 (Editorial)
Emiliano Marchisio
Abstract: Introduces articles and topics covered by this issue of European Competition Law Review, and reflects on specific points they raise.

The primacy of EU fundamental rights over the regulatory autonomy of sports governing bodies: the RFC Seraing ruling
Francesco Rizzuto
Abstract: Examines Royal Football Club Seraing SA v Federation internationale de football association (FIFA) (C-600/23) (ECJ) on whether arbitral awards involving EU fundamental rights can be exempted from judicial review, and its implications for the regulatory autonomy of sports' governing bodies in the EU.

The FSR's merger tool "two years on"
Harald Weiß
Abstract: Examines the operation of the notification regime for mergers under Regulation 2022/2560, and key challenges during the filing analysis, and the pre-notification, foreign subsidies review and data collection phases when reporting on foreign financial contributions. Suggests potential improvements.

Predatory pricing in the pharmaceutical sector: an example from Saudi Arabia
Rob van der Laan
Abstract: Reviews the competition law regime governing predatory pricing by dominant undertakings in Saudi Arabia, and its application to the pharmaceutical sector in a case involving the drug olanzapine. Details the factors considered when imposing fines on two companies, including Eli Lilly Export SA.

When the state competes - competitive neutrality in India? Analysing abuse of dominance by public sector enterprises in India
MM Sharma
Abstract: Reviews, with reference to case law, the approach of the Competition Act 2002 to market dominance by public sector undertakings in India. Examines the role of the competitive neutrality principle, the enforcement challenges, the position in jurisdictions such as the EU, and whether reform is needed.

Litigation funding in collective actions: Gutmann and Parliament's intention
Adrian Render
Abstract: Discusses Apple Inc v Gutmann (CA) on whether class representatives in collective actions can recover litigation costs prior to the distribution of damages. Reviews the uncertainties remaining in earlier cases, and the court's approach to Parliament's intention under the Competition Act 1998 s.47C.

Czech Republic: competition - infringement (Case Comment)
Tomáš Fiala
Abstract: Notes the Czech Competition Office ruling in Drupork Svitavy imposing a fine of around EUR 107,000 on a producer of fresh pork for abuse of buyer power through practices including exceeding its 30-day payment deadline to suppliers of compound feeds.

Denmark: anti-competitive practices - judgment (Case Comment)
Jens Munk Plum
Abstract: Notes the Danish Maritime and Commercial High Court ruling in OnskeBorn A/S v Danish Competition and Consumer Authority on whether a finding that a retail chain collaboration breached antitrust law by price co-ordination should be annulled, or whether the chain should be fined DKK 9 million.

European Union: anti-competitive practices - judgment (Case Comment)
Prof. Bruce Wardhaugh
Abstract: Notes Michelin v European Commission (T-188/24) (GC) clarifying the evidentiary threshold required for a Commission inspection decision authorising a dawn raid of business premises to investigate alleged anti-competitive practices. Considers the decision's wider significance.

Finland: procurement - judgment (Case Comment)
Suzanne Simon-Bellamy
Abstract: Notes the Finnish Supreme Administrative Court ruling in Sarastia Oy, giving guidance on the interpretation of the controlling interest requirements in an in-house entity procurement case. Highlights two dissenting opinions, and notes impending procurement reforms to clarify remaining uncertainties.

Finland: competition - consultation
Suzanne Simon-Bellamy
Abstract: Notes a consultation by the Finnish Ministry of Economic Affairs and Employment on proposed reforms to strengthen the Finnish Competition and Consumer Authority's supervision of competitive neutrality between public and private sectors, including the introduction of a new prioritisation criterion.

France: anti-competitive practices - investigation (Case Comment)
Emmanuel Reille
Abstract: Notes the French Competition Authority ruling in Eurotunnel / P&O Ferries / DFDS on whether a space-chartering agreement in the short sea cross-Channel freight transport sector had an anti-competitive object. Details the significance of earlier commitments to the Competition and Markets Authority.

Germany: anti-competitive practices - judgment - Digital Markets Act (Case Comment)
Oliver Haas
Abstract: Notes the Mainz Regional Court decision in Landgericht (Mainz) (12 HK O 32/24), granting an injunction to an email service provider in private enforcement proceedings against Google for steering users of its Android operating system towards use of its email service when creating a Google account.

Ireland: mergers - merger control - decision (Case Comment)
Dr Vincent J G Power SC
Abstract: Notes the Irish Competition and Consumer Protection Commission decision in BWG Foods Unlimited Co / Perry's Cash and Carry Ltd, approving an acquisition in the grocery wholesale distribution market subject to proposed commitments including divestment of shareholdings and information firewalls.

Netherlands: competition - competition enforcement
Jotte Mulder
Abstract: Notes the Dutch Competition Authority's October 2025 response to the Commission consultation on Regulation 1/2003, highlighting its proposals for new co-operation tools, including the creation of joint investigative teams and the EU-wide harmonisation of dawn raid authorisation procedures.

Netherlands: anti-competitive practices - investigation - alleged abuse of dominance
Jotte Mulder
Abstract: Notes the announcement on 30 September 2025 of an investigation including a dawn raid by the Dutch Competition Authority into potential abuse of dominance by an unnamed business-to-business software supplier involving pricing or unfair contract terms.

Portugal: mergers - merger control - acquisition of sole control (Case Comment)
Vasco Costa Santos
Abstract: Notes the Portuguese Competition Authority decision in Idealista / Portal47, closing an investigation into a proposed acquisition of one online real estate platform operator by another, following notification of its abandonment. Highlights the role of the ecosystem theory of harm in the case.

Romania: anti-competitive practices - infringement (Case Comment)
Cristina de Jonge
Abstract: Notes a Romanian Competition Council decision imposing fines totalling approximately EUR 466,000 on Tredeco Holding SRL, Trecon Logistic SRL, Data Capture SRL and Geo Drumuri Banat SRL for participating in a road maintenance bid-rigging cartel.

South Africa: mergers - merger control - judgment (Case Comment)
Derushka Chetty
Abstract: Notes the South African Competition Appeal Court decision in Capital Newspapers (Pty) Ltd v Media24 Holdings Ltd on whether a decision to transition newspapers to digital-only format fell within the Competition Commission's merger control jurisdiction, in a challenge by competitors and customers.

Turkiye: anti-competitive practices - decision (Case Comment)
Av. Dr. Gönenç Gürkaynak, Esq.
Abstract: Notes the Turkish Competition Board decision in Yapi ve Kredi Bankasi AS on whether co-operation agreements between banks and a credit card points programme operator qualified for negative clearance or exemption, considering market definition and conditions for exemption.

USA: competition governance - judgment (Case Comment)
Anthony P. Badaracco
Abstract: Notes the US Supreme Court decision in Slaughter v Trump, staying an order for reinstatement of a Federal

Trade Commissioner pending full argument on the constitutionality of commissioners' protections from presidential removal and federal courts' power to override a removal from public office.

Volume 47, issue 2, 2026:

You ain't goin' nowhere
Gavin Murphy
Abstract: Discusses recommendations in a June 2025 report by the Canadian Competition Bureau "Cleared for Take-Off: Elevating Airline Competition", and suggests why its combination of proposals such as removal of cabotage restrictions, with more credible ones, make their implementation unlikely.

Manager liability for cartel fines following the CJEU referral from the German Federal Court of Justice
Harald Weiss and Nikolai Unmuth
Abstract: Discusses the German Federal Court of Justice decision to refer to the ECJ the question of whether companies fined by national competition authorities for cartel activities can claim compensation for such fines from their managers. Notes the current position in Germany, including relevant case law.

Beevers Kaas and the meaning of "tacit acquiescence": is it time to overrule the EU doctrine on concerted practices?
Emiliano Marchisio
Abstract: Discusses, with reference to cases such as Beevers Kaas BV v Albert Heijn Belgie NV (C-581/23) (ECJ) on the parallel imposition requirement involving tacit acquiescence, and Regulation 2022/720, whether the ECJ should reassess its interpretation of the doctrine of concerted practices.

Ne bis in idem in competition law: view from procedural, regulatory and national law aspects
Mirta Kapural
Abstract: Discusses, with reference to cases such as Bpost SA v Autorite Belge de la Concurrence (C-117/20) (ECJ), the role of the double jeopardy principle in EU competition proceedings, and whether a similar policy has been followed by the Croatian Competition Agency. Notes several unanswered questions.

Practical initial insights on the Palestinian Competition Law
Mohamed ElFar and Mahmoud Momtaz
Abstract: Highlights the passage of Palestine's Competition Law 2025, and discusses the background to its adoption, its scope, its approach to issues such as merger control and abuse of dominance, the powers of the Palestinian Competition Department and the potential sanctions available.

The commercial market operator principle under the Subsidy Control Act 2022 in the Competition Appeal Tribunal: Weis v Greater Manchester Combined Authority [2025] CAT 41
Aidan Robertson
Abstract: Discusses Weis v Greater Manchester Combined Authority (CAT) on whether council loans to special purpose vehicles were made on commercial terms and so did not amount to subsidies for the purpose of the Subsidy Control Act 2022 s.3(2). Notes the approach to the commercial market operator principle.

Canada: competition - investigation
Kaeleigh Kuzma
Abstract: Notes the Canadian Competition Bureau's discontinuation of its investigation into whether the use of algorithmic pricing tools in Canada's rental housing market constituted anti-competitive conduct or an abuse of dominance. Details the Bureau's intention to continue to monitor the market.

Czech Republic: anti-competitive practices - infringement
Tomas Fiala
Abstract: Notes the Czech Competition Office decision in K + B Progres as, fining a consumer appliances and electronics wholesaler nearly CZK 10 million for enforcing resale price maintenance amongst its retailers. Notes the fine's reduction in light of the company's co-operation.

Denmark: anti-competitive practices - judgment
Jens Munk Plum
Abstract: Notes a Danish Supreme Court decision in proceedings brought by Nokas Vaerdihandtering A/S against Loomis Danmark A/S and Bankernes Kontantservice A/S, confirming that the latter abused its dominance in the cash-handling market by predatory pricing. Considers the applicable test and implications.

Finland: anti-competitive practices - infringement - investigation
Suzanne Simon-Bellamy and Anna Joutsi
Abstract: Notes the EUR 7.6 million fine proposed by the Finnish Competition and Consumer Authority for imposition on Finnair Plc for providing false and misleading information during an investigation into allegedly restrictive practices concerning online travel agents' advertisement of discounted flights.

Finland: anti-competitive practices - investigation
Suzanne Simon-Bellamy and Anna Joutsi
Abstract: Notes the Finnish Supreme Administrative Court decision of 24 October 2025, upholding the rejection of a complaint concerning wood-purchasing forestry companies' participation in FSC certification, without undertaking an investigation.

France: anti-competitive practices - infringement
Emmanuel Reille, Ilan Feltin and Chiara Kierren
Abstract: Notes the French Competition Authority decision in Doctolib, imposing a fine of EUR 4.665 million on a medical services appointment booking and teleconsultation platform for abuse of dominance by imposing exclusivity and tying obligations on healthcare professionals, and a predatory acquisition.

France: anti-competitive practices - judgment
Emmanuel Reille, Ilan Feltin and Chiara Kierren
Abstract: Notes a decision of the French Supreme Court of 30 September 2025, clarifying that legal professional privilege did not protect legal advice unconnected with a defence strategy from seizure in a criminal investigation context, and its applicability to seizure in competition investigations.

Germany: mergers - merger control
Sinan Gunebakan
Abstract: Comments on a German Federal Cartel Office decision invoking its power to impose an order on a waste management operator, requiring notification of any proposed below-threshold merger for a three-year period. Notes the significance for the balance between legal certainty and effective enforcement.

Netherlands: state aid - consultation
Jotte Mulder and Georgiana Mirza
Abstract: Notes the Dutch Government's October 2025 consultation on proposed childcare financing legislation following concerns over alleged anti-competitive practices in the sector. Details proposed reforms, including categorising childcare as a service of general economic interest for EU state aid purposes.

Netherlands: anti-competitive practices - investigation
Jotte Mulder and Georgiana Mirza
Abstract: Notes the dawn raids conducted by the Dutch Competition Authority on the premises of three civil

engineering contractors as part of its ongoing investigation into alleged bid-rigging in the context of municipal tenders. Details the range of practices on which information is sought.

Netherlands: anti-competitive practices - decision
Jotte Mulder and Georgiana Mirza
Abstract: Notes an 18 November 2025 decision of the Dutch Competition Authority approving a sustainability-focussed collaboration in the metals sector on the basis that it conformed with relevant sustainability guidelines and involved no anti-competitive practices. Details key features of the collaboration.

Portugal: mergers - merger control
Ines Pereira Correia and Marta Gomes Rosa
Abstract: Notes the Portuguese Competition Authority's consultation on its draft guidelines on ancillary restraints, which largely reflect those of the European Commission. Details their approach to matters including non-competition clauses, licence agreements and transitional supply or purchase obligations.

South Africa: mergers - merger control - enforcement
Lizel Blignaut and Julian Mort
Abstract: Notes the launch of the East African Community Competition Authority (EACCA), and the requirements of its merger notification regime under the East African Community Competition Act 2006, including the jurisdictional rules and turnover thresholds. Considers its likely impact on merger enforcement.

Spain: mergers - merger control - decision
Pedro Callol
Abstract: Notes a Spanish Government decision of 24 June 2025, authorising a BBVA takeover of Sabadell in a Phase III intervention in the general interest, on conditions including management separation for three years. Questions the proportionality of the decision and highlights the takeover's abandonment.

Spain: anti-competitive practices - judgment - abuse of dominant position
Pedro Callol
Abstract: Notes the Madrid Provincial Court decision in the Superleague case, FIFA / UEFA, confirming a finding that the governing bodies' authorisation regime for new competitions constituted an abuse of their dominant positions, and rejecting claimed justifications.

Turkiye: anti-competitive practices - decision
Gonenc Gurkaynak, Eda Duru and Betul Bas Comlekci
Abstract: Notes Turkish Competition Board decisions exonerating ERY Motors but imposing fines on Canatar Auto and Ozgen Gallery, following a settlement process, for price-fixing in the online sale of used Honda vehicles of a particular model.

United Kingdom: consumer protection - Digital Markets, Competition and Consumers Act 2024
Eloise Robson
Abstract: Highlights the launch of the Competition and Markets Authority's first cases involving its strengthened consumer protection powers under the Digital Markets, Competition and Consumers Act 2024, involving suspected pricing practices such as drip pricing. Notes the sectors under particular scrutiny.

Artikler fra European Competition Journal

Intet nyt i denne udgave.

Artikler fra Journal of Competition Law and Economics

Intet nyt i denne udgave.

Artikler fra Journal of Antitrust Enforcement

Intet nyt i denne udgave.

Artikler fra Journal of European Competition Law and Practice

Intet nyt i denne udgave.

Artikler fra World Competition

Volume 48, issue 4, 2025:

Optimal Fining Methods in Cartel Cases: A Systematic Literature Review
Seppe Maes, Caroline Buts, Marc Jegers
This paper presents a systematic review of the literature on optimal fining methods for cartel infringements. Building on the PRISMA 2020 methodology, we analysed forty-seven articles to address three core themes: how optimal fines are defined, the ways different variables are incorporated in quantitative models, and comparative insights. We identified five prevailing approaches: revenuebased, overcharge-based, damages-based, profit-based, and a (recent) sophisticated revenue-based framework blending revenue- and overcharge-based elements. While each method has distinct advantages and challenges, the sophisticated revenue-based approach appears particularly promising in balancing deterrence against proportionality concerns, offering a potential remedy to the shortcomings or implementation issues, found in strictly revenue-based or damages/overcharge-based regimes. This review underlines the importance of aligning fine structures with the overarching policy objective of mitigating wealth transfers from consumers to producers. To the best of our knowledge, this is the first systematic review to map how different strands in extant literature conceive an optimal fine.

A Ladder of Investment to Competition for Online Search Services
Thomas Hoppner, Steffen Uphues
Online search has long been dominated by Google Search. In several competition and regulatory proceedings across the globe, various remedies to increase competition are being discussed, including data sharing obligations or a ban on the exclusive default settings of Google Search. A key factor for the success of any remedy package will be the ability of competitors to add value by differentiating their services from Google Search. Up to now, almost all search engine competitors depend on Google's or Microsoft's search results by means of syndication agreements, as they cannot feasibly set up their own search engine infrastructure from scratch. To allow market entry and growth across all sections of the search value chain, the remedy package must enable competitors to build up their own infrastructure step by step, in accordance with the success of their market entry. The article outlines how the Ladder of Investment approach, successfully implemented in the telecommunications sector, can be applied to this end. The paper aims to provide guidance on how such a regulatory approach could be implemented either by means of new statutory regulations, such as in the United Kingdom, or through remedies imposed in competition cases on the monopolization of search services.

Assessing Irish Merger Control: How a Small National Competition Authority Can Make a Big Impact
Richard Bunworth
Ireland is an increasingly interesting and prominent jurisdiction in merger control, both from a European and international perspective. Due to the level of multinational corporate investment into the country (particularly in digital and pharmaceutical industries), Ireland has a somewhat disproportionate level of importance when compared to other jurisdictions of a similar size in the EU. In addition, the Irish competition authority, the Competition and Consumer Protection Commission ('CCPC'), has recently been granted several additional powers when reviewing mergers. Further, it appears to be adopting a more aggressive and interventionist stance, for example, by taking the previously unusual step of prohibiting a number of transactions and requiring extensive remedies across several cases. Alongside the changes in Irish merger control, the EU Commission is faced with the resurrected challenge of below-threshold mergers as a result of the Court of Justice of the EU's ('CJEU') judgment in Illumina v. Commission. This decision has scuppered its ability to rely on Article 22 of the EU Merger Regulation ('EUMR') to access problematic acquisitions in

digital and pharmaceutical markets. As a result, there is a strong possibility that national competition authorities ('NCAs') with the ability to 'call-in' transactions that fall outside the EU's notification thresholds may be required to do so to plug this gap that has re-emerged in European merger control. In this context, with Ireland positioned as an extremely important corporate hub and the CCPC likely to be faced with an expanding mandate over the coming years, this article offers a timely review of the Irish authority's activities over the past five years as a means of synthesizing trends that can be observed (as well as potential future developments). It does so by tracing through the assessments of mergers systematically over this period (2020–24) from their initiation by way of notification to the CCPC, all the way through to determinations, remedies, and prohibitions. By taking this approach, the article extracts information and points of interest from the various stages as a means of shaping merger parties' expectations of the process, as well as providing key advice for other NCAs in the EU.

Weighing the Scales: The Balancing Test of the Foreign Subsidies Regulation
Lena Hornkohl, Pierfrancesco Mattiolo
The balancing test under the Foreign Subsidies Regulation (FSR) has emerged as one of its most debated features, reflecting tensions between competition enforcement and broader EU policy goals. Initially conceived as the 'EU interest test' in the White Paper, its contours remained rather vague until the recent publication of the Draft Guidelines, in July 2025. These Draft Guidelines finally allow a glimpse into better understanding of the balancing test. This paper explores more broadly how the balancing test works and the policy objectives it may pursue. After mapping the legal sources and the FSR's relationship with broader EU law, a theoretical framework of the balancing test is developed, rooted in FSR broader assessment and in the general principles of EU law. The test's process and assessment, in particular the order of positive effects it can balanced, are examined. Some procedural points, i.e., the burden of proof and variations across FSR procedures, are discussed as well. Ultimately, the paper assesses how the Commission will use its discretion in conducting the balancing test and its policy implications.

The Impacts of Public Interest Consideration on the Application of Competition Law: The Case Study of Vietnam's Competition Authority
Tran Thang Long
This article examines how public interest considerations shape the design and enforcement of competition law, using Vietnam's National Competition Commission (NCC) as a case study. Public interest – balancing consumer welfare with state-driven economic goals – informs national competition policies. It enables competition authorities to pursue their objectives, yet it creates tensions in practice. The NCC's effectiveness in Vietnam is undermined by its subordination to the Ministry of Industry and Trade (MoIT), which oversees dominant state-owned enterprises (SOEs). This legal status fosters conflicts with sectoral regulators, influence from interest groups, and inconsistent enforcement, compromising the NCC's ability to address anti-competitive practices impartially. Drawing on global examples (e.g., Australia, South Africa) and Vietnam's Law on Competition (LoC) 2018, the study reveals a dilemma: the NCC struggles to reconcile public interest goals like SOE support with competition aims like market fairness. The article argues that the NCC's lack of independence – rooted in its MoIT ties – drives inefficiency and bias, necessitating reform. It proposes statutory changes to grant the NCC autonomy, ensuring its power and objectivity in enforcing competition law. These findings offer lessons for transitional economies navigating similar public interest-competition trade-offs.

Artikler fra Antitrust Law Journal

Intet nyt i denne udgave.

Artikler fra Antitrust Bulletin

Intet nyt i denne udgave.

Artikler fra Competition Law and Policy Debate

Intet nyt i denne udgave.

Artikler fra Competition Law Scholars Forum

Intet nyt i denne udgave.

Artikler fra Journal of Regulatory Economics

Volume 69, issue 1:

The industry costs and benefits of occupational licensing: measuring differences in establishment behavior and quality
Alicia Plemmons, Darwyyn Deyo & Walker Rhine
Abstract: Although the monopoly effects of occupational licensing are generally understood for the broader labor market, industry-specific estimates of the costs and benefits from licensing have presented significant logistical challenges in the literature. We first present a theoretical model of firm behavior under licensure and develop two new occupation crosswalks between licensing data, NAICS codes, and ratings data to provide the first firm-level study estimating both the costs and benefits for 38 occupations. We then employ linear regression to estimate the effects of licensing on establishment behavior, employment, and quality as measured by consumer ratings, using a sample of 15 million U.S. establishments. Licensing is associated with fewer per capita establishments within a county, although licensing shifts some labor from employment to contract work. We identify differential effects from licensing by type of industry and employment and find less self-employment and a higher average number of employees in licensed industries. Finally, licensing requirements are not generally associated with higher quality, as measured by consumer ratings, and in some cases are associated with lower quality.

The impact of energy retailers' loyalty programmes on the effectiveness of regulation of retail energy markets
Hester M. Huisman, Evert de Haan, Machiel Mulder & Jaap E. Wieringa
Abstract: Energy regulators aim to ensure that residential consumers have the information they need to actively make decisions in retail energy markets and switch when a better offer arises. Meanwhile, energy retailers are motivated to increase customer loyalty, as customer retention is considerably more profitable than acquiring new customers. Hence, energy retailers' actions can mitigate regulators' efforts to increase consumer activity. This article analyses how these two seemingly contrasting objectives affect consumers' contract choices. We investigate the effects of contract standardisation (as a regulatory measure) and loyalty programmes (as an action by energy retailers) on consumers' choices of energy contracts using an online choice experiment. These contracts vary based on their tariffs, provider brand, energy source, and duration. The results indicate that standardisation of energy contracts increases consumers' response to changes in tariffs and energy sources. When standardisation is combined with the retailer's loyalty programme, the stronger response to tariffs is diminished, and the stronger response to energy sources is neutralised. Both regulators' and energy retailers' actions affect the product attributes that consumers pay attention to, rather than consumers' perceived switching costs. It appears that energy retailers' loyalty programmes partly counteract regulators' efforts to foster informed decisions. The analyses indicate that the underlying mechanism is consumers' attention to attributes other than tariff and energy source.

Track access pricing in cross-border rail transport
Francis Bloch & Philippe Gagnepain
Abstract: We analyze access pricing for cross-border rail transport by two infrastructure managers. We compare access charges, consumer surplus and the profit of infrastructure managers under three régimes: one where infrastructure managers are unregulated, one where they are regulated, one where one is unregulated and the other one regulated. We note that, due to double marginalization, access charges are too high, and consumer surplus and the profit of infrastructure managers can be increased by inducing cooperation. We show that the first-best can be achieved by a delegated pricing scheme, where train operators pay access charges only to the infrastructure manager of the country of origin, with a transfer to the country of destination at marginal cost.

Environmental regulation and the proliferation of zombie firms: evidence from China
Yunguo Lu, Jing Liang, Xiaojun Yu & Lin Zhang
Abstract: This paper examines the impact of environmental regulation on the emergence of zombie firms within China's pollution levy system. Using firm-level data from multiple sources and a difference-in-differences design, we show that imposing a higher level of pollutant levy rates significantly elevates the risk of firms becoming zombies. Switching to a more stringent policy increases the risk of becoming a zombie firm by 6.2%. Consequently, we find that being a zombie firm implies that it allocates fewer resources to pollution abatement, exhibiting higher pollution intensity. We also show that less productive firms and state-owned firms are more prone to becoming zombie firms when facing with increased level of environmental regulation stringency. This study thus provides novel insights into the unintended risk of zombie firm proliferation as a result of increasing environmental regulation.

Regulatory arbitrage and partitioned pricing: evidence from U.S. rail fuel surcharges
Aaron P. Garner & Charles C. Moul
Abstract: Fuel surcharges in U.S. freight rail are governed by published, formula-based schedules that link per-car-mile charges to fuel price indices. These schedules are disclosed in advance and treated as presumptively compliant under Surface Transportation Board (STB) guidelines. The STB does not, however, audit whether surcharges are assessed as posted, and, to our knowledge, no shipper has challenged a railroad for deviating from its own formula. Using aggregated waybill data from 2009 to 2018, we provide the first causal evidence that assessed surcharges vary systematically with local market conditions despite the uniformity of the posted schedule. A network-based instrument isolates plausibly exogenous variation in railroad concentration. We find that a 10% point increase in a railroad's local market share leads to an 11% increase in the assessed surcharge. Surcharges also increase with shipper distance and volume but at less than the stated proportional rate. These patterns suggest that railroads selectively underapply surcharge schedules in contested markets while charging closer to the posted amount in captive ones. A back-of-the-envelope calculation suggests that strategic deviations from surcharges that would have been assessed under a benchmark of no market power generated $1.3 billion in additional revenue for railroads over the sample period and markets.

Bank monitoring incentives and stock price crash risk: evidence from an exogenous bank capital shock
Prateek Nahar, MVK Jagannath & Yogesh Chauhan
Abstract: This study examines the impact of bank undercapitalization—stemming from the Reserve Bank of India's Asset Quality Review (AQR)—on the stock price crash risk of borrowing firms. We argue that the capital erosion induced by the AQR weakened banks' monitoring incentives, thereby increasing the likelihood that managers engage in bad-news hoarding, which ultimately elevates firm-specific stock price crash risk. This effect is particularly pronounced for firms with higher default risk. Importantly, we find that external monitoring, especially auditor scrutiny, moderates this relationship by constraining managerial opportunism. Taken together, our findings suggest that while the AQR was designed to restore the health of the banking sector, it inadvertently heightened downside equity risk for firms reliant on capital-constrained banks.

Regulatory quality and value-chain participation in regional comprehensive trade partnership (RCEP): evidence of nonlinear effects
Nida Rahman & Krishan Sharma
Abstract: Regional trade agreements offer a path to regulatory conformity and smoother trade flows. This paper examines how regulatory quality relates to global value chain (GVC) participation within Regional Comprehensive Economic Partnership (RCEP). Using Organization for Economic Co-operation and Development (OECD) Trade in Value Added (TiVA) data for 2009–2020 and the World Governance Indicator (WGI) regulatory quality indicator, we estimate a two-way fixed effects model with a quadratic term to identify curvature. The core results are margin specific. Backward participation follows an inverted U. At low baselines the marginal benefit of clearer rules exceeds the marginal cost of compliance, but as regulatory accumulation rises, recurrent compliance and coordination costs grow, and the net payoff diminishes. Forward participation is U-shaped. Benefits emerge mainly at higher credibility when partners accept domestic standards, testing, and conformity assessment, so marginal benefits begin to dominate marginal costs. Heterogeneity is pronounced. Members below the turning point see positive marginal effects on the backward margin, while frontier countries such as Singapore and Japan often show flat or negative effects that reflect

diminishing returns and upstream specialisation rather than regulatory excess. Results are robust across alternative specifications and inference checks. The estimated turning points are descriptive, within-sample markers that inform sequencing, not numerical policy targets.

A renewed examination of how trade secret protection affects innovation: evidence from the inevitable disclosure doctrine
He Li & Clas Wihlborg
Abstract: Using the staggered state-level adoption of the Inevitable Disclosure Doctrine (IDD) as a measure of trade secret protection, we document that IDD boosts R&D investment and patent output of firms with high existing innovative capacity, while hurting those of firms lacking thereof. In addition, broader industry-wide adoption of IDD leads to greater industrial concentration of innovation investment and patent production. However, there is no evidence that IDD yields consistent impact on innovation efficiency. In contrast to existing research on the protection measures of trade secret and intellectual property in general, in which the debate focuses on whether such mechanisms promote or hurt innovation, through the lens of trade secret protection, our findings present crucial evidence of the complexity and polarizing potential of such measures and bear important policy implications.

Artikler fra International Review of Law and Economics

Intet nyt i denne udgave.

Artikler fra Competition Law Journal

Volume 24 (2026): Issue 3 (Jan 2026)

Software licensing and the UK's cloud services market investigation: a missed opportunity to remedy anticompetitive practices?
Peter Whelan

Navigating the EU Foreign Subsidies Regulation and FDI screening regimes in Europe: strategic considerations for Chinese businesses
Morris Schonberg, Laurence Vincent, and Daniel Barrio

Efficiency and innovation 'defences' in EU and UK merger reviews: a new dawn?
Maren Tamke, Richard Brown, Christopher Graf, Ashley French, and Lóránt Teleki

Boundary Fares: clarifying the boundaries of a dominant firm's special responsibility
Lola Damstra

Artikler fra European Competition and Regulatory Law Review

Intet nyt i denne udgave.

Artikler fra Communications Law

Volume 30, issue 4, 2025

Does the regulation against mis- and disinformation pose a threat to press freedom? (Editorial)
Peter Coe Comms.
Abstract: Explores two facets to the question of whether the regulation against misinformation and disinformation poses a risk to press freedom: the potential for effective regulation to restore public confidence in the press; and the blurred distinction between disinformation, misinformation and malinformation.

Warning shot fired: why reputational harm damages deserve a place in the tort of misuse of private information
Floyd Alexander-Hunt
Abstract: Argues that reputational harm damages should be available in claims for misuse of private information, with reference to ECHR art.8, inconsistencies between judicial decisions, the relationship between reputation and privacy, and arguments against reputational harm damages.

Formulating IT service level regimes
Clive Davies
Abstract: Examines the formulation and operation of service level agreements in commercial contracts, particularly for IT outsourcing services, looking at performance metrics, remedies for non-compliance, and the evolving role of cloud computing in contractual relationships.

Artikler fra Computer and Telecommunications Law Review

Intet nyt i denne ugave

Artikler fra Global Competition Litigation Review

Volume 18, issue 4, 2025

Internal contribution in the event of personal external liability of managers for cartel damages
Christian Kersting
Abstract: Explains how set-off and contribution work under German law when board members are liable to the company and are jointly liable with the company to third parties for the company's participation in a cartel, but the company is not to make or keep any cartel profits.

Private action under the Singapore competition regime - an overview of its key features
Daren Shiau
Abstract: Considers the law and procedure of actions to enforce competition law privately in Singapore, looking at legal standing, representative actions, extraterritoriality, evidence, measure of damages, expert witnesses, damages, defences and settlement out of court.

Exploring damage claims for abuse of dominance under the lens of Greek substantive law: an exemplary case study
Lia I. Athanassiou
Abstract: Reviews key features of a private enforcement damages claim under Greek law, arising from an abuse of dominance, including the factual background, the heads of damage, the role of the principle of effectiveness and the method of calculating lost profits, statutory interest and litigation interest.

Nissan Iberia: harmonisation of the dies a quo in national follow-on actions achieved? An analytical and critical discussion of CJEU judgment C-21/24 and its impact on private competition enforcement
Héctor Pérez Palomares
Abstract: Considers CP v Nissan Iberia SA (C-21/24) (ECJ) on the Spanish proceedings against the motor car cartel, examining when the limitation period started to run for bringing a follow-on damages action based on a national competition authority's decision.

PACCAR: UK Court of Appeal "caps off" on enforceability of damages-capped funding agreements
Thomas Caldwell
Abstract: Discusses Sony Interactive Entertainment Europe Ltd v Alex Neill Class Representative Ltd (CA) on the enforceability of litigation funding agreements in opt-out collective proceedings, depending on whether a cap on fees meant that the agreement was a damage-based agreement.

CJEU agrees with full judicial review of CAS awards involving EU competition law
Gordon Blanke
Abstract: Considers Royal Football Club Seraing SA v Federation internationale de football association (FIFA) (C-600/23) (ECJ) on the EU principle of effective judicial protection applied to the review of Court of Arbitration for Sport (CAS) awards by EU Member States' national courts.

Artikler fra Market and Competition Law Review

Intet nyt i denne udgave.

Andre udenlandske artikler

Artikel:
A Dynamic Framework for the Assesment of Horizontal Mergers, from GSMA
Xavier Boutin, Laurent Eymard and Mark Williams
Abstract:
Europe stands at a pivotal moment. Our digital future will be defined not only by the technologies we build, but by the policy frameworks that enable companies to innovate, and scale to invest. For years, evidence has shown that in certain sectors characterised by capital intensity and long payback cycles, the attainment of scale can unlock meaningful benefits for consumers and add to the resilience of Europe's wider digital economy. Yet competition authorities have remained cautious, relying on traditional, static models of analysis that focus narrowly on short term price effects. The challenge is that we no longer operate in a static world. Today's markets, especially fast moving, high investment ones like telecoms and life sciences, demand a broader, more forward-looking approach. Assessing competition cannot stop at headline prices or market shares. It must also consider how companies innovate, build new capabilities, and adapt in real time to better serve customers. These dynamic effects begin on the supply side, but they ultimately shape what matters most: quality, choice, innovation, and, in many cases, more efficient and sustainable pricing. To support the European Commission's review of its merger guidelines, the GSMA, with support from Connect Europe, commissioned this report to propose 'A Dynamic Framework for the Assessment of Horizontal Mergers'. The report offers a modern, evidence-based path forward, rooted in standard economic theory. It presents a balanced methodology that incorporates both short- and long- term impacts, recognises the value of dynamic rivalry, and evaluates pro and anticompetitive effects with equal rigour. Crucially, it challenges the outdated assumption that consolidation is inherently harmful. Instead, it demonstrates that in many circumstances, mergers can help Europe strengthen its competitive position – accelerating innovation, improving service quality, and enabling the scale required for sustained investment in next-generation networks. These insights extend well beyond telecoms. They speak directly to Europe's broader ambition to remain competitive on the global stage, to create an environment where companies can grow, innovate, invest and lead. The GSMA is proud to contribute to this important conversation, and I hope this report encourages a constructive and informed dialogue among policymakers, regulators, industry leaders, and the wider ecosystem. Aligning regulatory frameworks with the realities of modern competition and business models is essential if we are to deliver the networks, services, and innovations that Europe's citizens and businesses deserve.

Læs mere
Dato: Januar 2026

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