



Konkurrenceretlig Nyhedsoversigt nr. 111 / dækkende 9. april. 2026 – 11. maj 2026

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1 | DANSK RET

Nyt fra Konkurrence- og Forbrugerstyrelsen

Kongsberg Aviation Maintenance Services AS' og Terma A/S' etablering af et joint venture vedrørende vedligeholdelse af militære flyvende platforme mv. i Danmark er godkendt

Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.

[Læs mere](#)

Dato: 15/04/2026

Rambøll Danmark A/S' erhvervelse af enekontrol over StandbyCo VIII ApS samt datterselskabet Envidan A/S er godkendt

Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.

[Læs mere](#)

Dato: 20/04/26

Saudi Arabian Oil Companys erhvervelse af enekontrol over Tas'Helat Marketing Company er godkendt

Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.

[Læs mere](#)

Dato: 22/04/2026

Blue Equity IV og AILu Holding ApS' erhvervelse af fælleskontrol over Global Ocean Forwarding ApS er godkendt

Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.

[Læs mere](#)

Dato: 23/04/2026

Rentas erhvervelse af Nordjysk Lift er godkendt

Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.

[Læs mere](#)

Dato: 24/04/2026

HEJ Groups køb af ESA Trucks Danmark

Konkurrence- og Forbrugerstyrelsen har godkendt HEJ Group A/S' erhvervelse af enekontrol over ESA Trucks Danmark A/S og REM Property's ApS.

[Læs mere](#)

Dato: 27/04/2026

JP/Politikens Hus A/S' erhvervelse af Altinget ApS og Mandag Morgen ApS er godkendt

Konkurrence- og Forbrugerstyrelsen har godkendt, at JP Politikens Hus A/S overtager Altinget ApS og Mandag Morgen ApS.

[Læs mere](#)

Dato: 27/04/2026

Nyt fra Konkurrencerådet

Intet nyt.

Nyt fra Konkurrenceankenævnet

Intet nyt.



Nyt fra domstolene

Civilretlige afgørelser

Intet nyt.

Straffesager

Intet nyt.

Lovforslag i høring

Intet nyt.

Ny lovgivning

Intet nyt.

Nyt fra Ankestyrelsen

Intet nyt.

Andet

Intet nyt.

2 | EUROPÆISK OG INTERNATIONAL RET

Nyt fra Kommissionen

Antitrust & Cartels

Commission carries out unannounced antitrust inspections in the chocolate confectionery sector

The European Commission is carrying out unannounced antitrust inspections in two Member States at the premises of a company active in the chocolate confectionery sector. The Commission has concerns that the inspected company may have violated EU antitrust rules that prohibit cartels and restrictive business practices, as well as abuses of a dominant market position (Article 101 and Article 102 of the Treaty on the Functioning of the European Union). In particular, the Commission is investigating possible market segmentation in the form of restrictions on the trade of goods between Member States in the Single Market and obstacles to multi-country purchases.

[Læs mere](#)

Dato: 13/04/2026

Commission sends Meta fresh charge sheet on possible interim measures to reverse exclusion of third-party AI assistants from WhatsApp

The European Commission has sent a Supplementary Statement of Objections to Meta setting out the Commission's intention to order Meta to reinstate third-party AI assistants' access to WhatsApp under the same conditions as before its policy change of 15 October 2025. This is despite modifications announced by Meta on 4 March 2026.

[Læs mere](#)

Dato: 15/04/2026

Commission updates EU competition rules for technology licensing agreements

The European Commission has today adopted the revised Technology Transfer Block Exemption Regulation ('TTBER') and Guidelines on the application of Article 101 of the Treaty to technology transfer agreements ('Guidelines'), following a thorough review of the rules that have been in place since 2014.

[Læs mere](#)

Dato: 16/04/2026

NEW! Commission publishes 2025 Report on competition policy

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



Press Release

[Læs mere](#)

Dato: 05/05/2026

Mergers

Commission approves Clarios' acquisition of three lead recycling plants from Ecobat in Germany and Austria

The European Commission has approved unconditionally, under the EU Merger Regulation, the proposed acquisition by Clarios of three secondary recycling lead smelters, operated by Ecobat in Germany (Braubach and Freiberg) and Austria (Arnoldstein).

[Læs mere](#)

Dato: 13/04/2026

Commission unconditionally approves RTL's acquisition of Sky DACH

The European Commission has unconditionally approved, under the EU Merger Regulation, the proposed acquisition by RTL Deutschland GmbH ('RTL') of Sky German Holdings GmbH ('Sky DACH'). The Commission concluded that the transaction would raise no competition concerns in the European Economic Area ('EEA').

[Læs mere](#)

Dato: 22/04/2026

Commission opens in-depth investigation into proposed joint venture between UPM and Sappi*

The European Commission has opened an in-depth investigation to assess, under the EU Merger Regulation, the proposed creation of a joint venture between UPM-Kymmene Corporation ('UPM') and Sappi Limited ('Sappi'). The Commission is concerned that the transaction may reduce competition in certain markets for the production and supply of communication paper and specialty paper in the European Economic Area ('EEA') and result in higher prices, less choice or reduced quality.

[Læs mere](#)

Dato: 28/04/2026

Commission opens consultation on draft of new Merger Guidelines

The European Commission has launched today a public consultation inviting comments on the draft of the new EU Merger Guidelines. These will replace the current Horizontal Merger Guidelines and the Non-Horizontal Merger Guidelines. This marks the most significant reform in EU merger control of the past two decades.

[Læs mere](#)

Dato: 30/04/2026

State Aid

Commission approves €3.7 billion Czech State aid scheme for sustainable biomethane production

The European Commission has approved a €3.7 billion Czech scheme to support the construction of biomethane production stations in line with the objectives of the Clean Industrial Deal. This measure will contribute to the transition towards a net-zero economy. The scheme was approved under the Clean Industrial Deal State Aid Framework (CISAF) adopted by the Commission on 25 June 2025.

[Læs mere](#)

Dato: 14/04/2026

Commission approves €1.3 billion German State aid scheme for rewetting of farmed peatlands

The European Commission has approved, under EU State aid rules, a €1.3 billion German scheme to support landowners and land managers of drained peatlands that commit to rewet their land. The scheme aims to reduce greenhouse gas emissions by increasing carbon storage in peatlands.

[Læs mere](#)

Dato: 14/04/2026

Commission opens in-depth investigation into Romanian State aid to support refurbishment of Cernavoda 1 nuclear reactor

The European Commission has opened an in-depth investigation to assess whether public support that Romania plans to grant for the refurbishment and lifetime extension of Unit 1 of the Cernavoda nuclear power plant is in line with EU State aid rules.

[Læs mere](#)

Dato: 16/04/2026

**Commission approves Bulgarian, German and Slovenian State aid schemes providing temporary electricity price relief for energy-intensive companies**

The European Commission has approved State aid schemes to provide temporary electricity price relief for energy-intensive companies in Bulgaria, Germany and Slovenia in line with the objectives of the Clean Industrial Deal. Through the condition to reinvest a significant share of the aid received in decarbonisation measures, these schemes will contribute to the transition towards a net-zero economy. The schemes were approved under the Clean Industrial Deal State Aid Framework (CISAF) adopted by the Commission on 25 June 2025.

[Læs mere](#)

Dato: 16/04/2026

Commission approves €411 million Croatian capital injection into development bank HBOR

The European Commission has approved, under EU State aid rules, a €411 million capital injection by Croatia's government into the national development bank Hrvatska Banka za Obnovu i Razvitak ('HBOR'). The measure will be funded by the Recovery and Resilience Facility ('RRF') and will expand HBOR's remit to support Croatia's sustainable economic growth and competitiveness.

[Læs mere](#)

Dato: 20/04/2026

Commission adopts temporary State aid framework to support sectors affected by Middle East crisis

The European Commission has adopted a temporary State aid framework to enable Member States to support the EU economy in the context of the Middle East crisis. The Middle East crisis Temporary State aid Framework (METSAF) is a targeted and temporary framework to address the effects of the crisis on some of the most exposed sectors of the economy: agriculture, fishery, transport and energy-intensive industries. The METSAF will be in place until 31 December 2026. During its period of application, the Commission will keep the content, scope and duration of the Framework under review in the light of developments in the Middle East and in the general economic situation.

[Læs mere](#)

Dato: 29/04/2026

Commission approves over €800 million in State aid to Lithuanian development bank

The European Commission has approved, under EU State aid rules, capital injections worth €813 million and €15 million per year in corporate income tax and dividend payment exemptions in favour of Lithuanian development bank Investicijos i Lietuvos ekonomika ('ILTE'). The measures are provided by the Lithuanian Ministry of Finance.

[Læs mere](#)

Dato: 05/05/2026

Commission approves €5 billion German State aid scheme to support decarbonisation of industry

The European Commission has approved, under EU State aid rules, a €5 billion German scheme to help companies in industrial sectors decarbonise their production processes. The scheme contributes to achieving Germany's energy and climate targets, as well as the EU's sustainable prosperity and competitiveness objectives.

[Læs mere](#)

Dato: 07/05/2026

Andet**Commission proposes measures to Google on sharing search engine data with third parties under Digital Markets Act**

The European Commission has sent preliminary findings to Google outlining proposed measures to comply with the Digital Markets Act (DMA). Under these proposed measures, Google should allow third party search engines to access search data, such as ranking, query, click and view data, on fair, reasonable and non-discriminatory terms.

[Læs mere](#)

Dato: 16/04/2026

Commission seeks feedback on measures to ensure interoperability with Google's Android under the Digital Markets Act

The Commission has sent its preliminary findings to Google as part of the specification proceedings it started on 27 January 2026 under the Digital Markets Act (DMA). These preliminary findings outline the draft measures Google should implement to ensure that third parties have effective access and interoperability with key capabilities of Android.

[Læs mere](#)

Dato: 27/04/2026

**Review highlights Digital Markets Act remains fit for purpose and has positive impact**

The European Commission's first review of the Digital Markets Act (DMA) found that in the first two years of its application, the DMA remains fit for purpose and has opened up new opportunities for businesses and developers, while giving users more control over their experiences and devices, as well as access to more diverse and innovative digital products and services

[Læs mere](#)

Dato: 28/04/2026

Factsheet – How the DMA is making smartphones better: interoperability and data portability case studies

The Commission's enforcement of the Digital Markets Act (DMA) is delivering new interoperability and data portability features for developers and providers of connected devices (such as headphones, smartwatches, and smart glasses). As a result, iPhone and Android users can expect to see improvements in how their smartphones work over the next weeks and months.

[Læs mere](#)

Dato: 11/05/2026

Nyt fra EU-domstolen

Domme

[C-672/23](#) - Electricity & Water Authority of the Government of Bahrain m.fl.

Nøgleord:

» Præjudiciel forelæggelse – samarbejde på det civil- og handelsretlige område – retternes kompetence og anerkendelse og fuldbyrdelse af retsafgørelser på det civil- og handelsretlige område – forordning (EU) nr. 1215/2012 – specielle kompetenceregler – artikel 8, nr. 1) – flere sagsøgte – krav, der er »så snævert forbundne«, at det er ønskeligt at behandle og påkende dem samtidig – begrebet »så snævert forbundne« – begrebet »ankersagsøgte« – overtrædelse af artikel 101 TEUF – direktiv 2014/104/EU – erstatning for skader forvoldt af et kartel – begrebet virksomhed – moderselskabets og et datterselskabs ansvar – Kommissionens afgørelse – en national konkurrencemyndigheds afgørelse – skade opstået uden for Det Europæiske Økonomiske Samarbejdsområde (EØS) «

Tvist:

Anmodningerne om præjudiciel afgørelse vedrører fortolkningen af artikel 8, nr. 1), i Europa-Parlamentets og Rådets forordning (EU) nr. 1215/2012 af 12. december 2012 om retternes kompetence og om anerkendelse og fuldbyrdelse af retsafgørelser på det civil- og handelsretlige område (EUT 2012, L 351, s. 1).

Anmodningerne er blevet indgivet i forbindelse med to tvister mellem, for så vidt angår den første tvist, på den ene side Electricity & Water Authority of the Government of Bahrain, GCC Interconnection Authority, Kuwait Ministry of Electricity and Water og Oman Electricity Transmission Company SAOC (herefter samlet for disse fire virksomheder »EWAGB m.fl.«) og på den anden side Prysmian Netherlands BV, Draka Holding BV, Prysmian Cavi e Sistemi Srl, Pirelli & C. Spa, Prysmian SpA, The Goldman Sachs group Inc., ABB BV, ABB Holdings BV, ABB AB, ABB Ltd., Nexans Nederland BV, Nexans Cabling Solutions BV, Nexans Participations SA, Nexans SA og Nexans France SAS (herefter samlet for disse femten selskaber »Draka m.fl.«) og, for så vidt angår den anden tvist, på den ene side Smurfit Kappa Europe BV, Smurfit International BV, Smurfit Kappa Italia SpA, DS Smith Italy BV, DS Smith plc, DS Smith Packaging Italia SpA, DS Smith Holding Italia SpA og Toscana Ondulati SpA (herefter samlet for disse otte selskaber »Smurfit Kappa m.fl.«) og på den anden side Unilever Europe BV, Unilever Supply Chain Company AG og Unilever Italy Holdings Srl (herefter samlet for disse tre virksomheder »Unilever m.fl.«) vedrørende fastlæggelsen af, hvilken ret der har stedlig kompetence til at påkende søgsmål med påstand om solidarisk hæftelse for Draka m.fl. og Smurfit Kappa m.fl. og om, at de tilpligtes at erstatte de skader, der er forvoldt ved en overtrædelse af artikel 101 TEUF og artikel 53 i aftalen om Det Europæiske Økonomiske Samarbejdsområde af 2. maj 1992 (EFT 1994, L 1, s. 3, herefter »EØS-aftalen«).

Dom:

1) Artikel 8, nr. 1), i Europa-Parlamentets og Rådets forordning (EU) nr. 1215/2012 af 12. december 2012 om retternes kompetence og om anerkendelse og fuldbyrdelse af retsafgørelser på det civil- og handelsretlige område skal fortolkes således, at på den ene side et søgsmål, som er anlagt mod en sagsøgt, der tjener som forankring med henblik på at fastslå kompetencen for den ret, ved hvilken sagen er anlagt, der ikke er blevet holdt ansvarlig for en overtrædelse af artikel 101 TEUF og artikel 53 i aftalen om Det Europæiske Økonomiske Samarbejdsområde af 2. maj 1992, som Europa-Kommissionen eller en national konkurrencemyndighed har fastslået, og på den anden side søgsmål anlagt mod



selskaber, med hensyn til hvilke der foreligger tungtvejende indicier for, at de tilhører virksomheder som omhandlet i EU-konkurrenceretten, som denne overtrædelse er blevet tilregnet, kan være »så snævert forbundne« som omhandlet i denne bestemmelse.

2) Artikel 8, nr. 1), i forordning nr. 1215/2012 skal fortolkes således, at med henblik på at vurdere, om de krav, der er rettet mod flere sagsøgte, er »så snævert forbundne« som omhandlet i denne bestemmelse, udgør den medsagsøgtes mulighed for at kunne forudsige, at den pågældende kan sagsøges ved værnetinget for den sagsøgte, der tjener som forankring med henblik på at fastslå kompetencen for den ret, ved hvilken sagen er anlagt, ikke et selvstændigt kriterium, men skal tages i betragtning som et generelt princip ved anvendelsen af den specielle kompetenceregulering, der er fastsat i den nævnte bestemmelse.

3) Artikel 8, nr. 1), i forordning nr. 1215/2012 skal fortolkes således, at der med henblik på at vurdere, om de krav, der er rettet mod flere sagsøgte, er »så snævert forbundne« som omhandlet i denne bestemmelse, ikke skal tages hensyn til sandsynligheden for, at der vil blive givet medhold i det krav, der er rettet mod den sagsøgte, der tjener som forankring med henblik på at fastslå kompetencen for den ret, ved hvilken sagen er anlagt. Der kan imidlertid tages hensyn hertil som et indicium for, at sagsøgeren ikke kunstigt har skabt betingelser for anvendelse af denne bestemmelse. Det forhold, at den skade, der i forbindelse med et kartelretligt erstatningssøgsmål gøres gældende for en ret i en medlemsstat, er opstået uden for EØS, medfører ikke i sig selv, at søgsmålet ved prøvelsen af denne rets internationale kompetence skal kvalificeres som åbenbart ugrundet.

4) Artikel 8, nr. 1), i forordning nr. 1215/2012 skal fortolkes således, at den fastlægger såvel den internationale kompetence som den stedlige kompetence for den ret i en medlemsstat, i hvis retskreds den sagsøgte, der tjener som forankring med henblik på at fastslå kompetencen for den ret, ved hvilken sagen er anlagt, har bopæl.

5) Artikel 8, nr. 1), i forordning nr. 1215/2012 skal fortolkes således, at denne bestemmelse ikke er til hinder for, at en ret i en medlemsstat, ved hvilken der oprindeligt er anlagt sag på grundlag af denne bestemmelse, men som anser sig for at savne stedlig kompetence til at påkende sagen mod den sagsøgte, der tjener som forankring med henblik på at fastslå kompetencen for den ret, ved hvilken sagen er anlagt, erklærer sig inkompetent til fordel for en anden ret i samme medlemsstat, der har kompetence til at påkende den, såfremt denne erklæring om inkompetence sker i overensstemmelse med de nationale processuelle regler og ikke bringer denne forordnings effektive virkning i fare.

[Læs mere](#)

Dato: 16/04/2026

[T-682/24](#) - Red Bull m.fl. mod Kommissionen

Nøgleord:

» Konkurrence – kartel – misbrug af dominerende stilling – sektoren for energidrikke – kontrolundersøgelse iværksat af Kommissionen – artikel 20, stk. 4, i forordning (EF) nr. 1/2003 – fortsættelse af kontrolundersøgelsen i Kommissionens lokaler – Kommissionens afslag på at godtgøre en del af omkostningerne ved denne kontrolundersøgelse – begrebet »yderligere omkostninger opstået alene som følge af fortsættelsen af kontrolundersøgelsen i Kommissionens lokaler« »

Tvist:

Med søgsmål anlagt i henhold til artikel 263 TEUF har sagsøgerne, Red Bull GmbH og dets datterselskaber Red Bull France SASU og Red Bull Nederland BV, nedlagt påstand om annullation af Europa-Kommissionens afgørelse af 23. oktober 2024 (sag AT.40819), hvorved denne institution delvist gav afslag på at godtgøre de yderligere omkostninger, som sagsøgerne mener, at de har måttet afholde, som følge af at en kontrolundersøgelse anordnet i henhold til artikel 20, stk. 4, i Rådets forordning (EF) nr. 1/2003 af 16. december 2002 om gennemførelse af konkurrencereglerne i [...] artikel [101 TEUF] og [102 TEUF] (EFT 2003, L 1, s. 1) fortsatte i Kommissionens lokaler i Bruxelles (Belgien) (herefter »den anfægtede afgørelse«).

Dom:

Europa-Kommissionen frifindes. Red Bull GmbH, Red Bull France SASU og Red Bull Nederland BV betaler sagsomkostningerne.

[Læs mere](#)

Dato: 22/04/2026

[C-457/23 P](#) - Deutsche Lufthansa mod Ryanair og Condor Flugdienst

Nøgleord:



» Appel – statsstøtte – artikel 107, stk. 3, litra b), TEUF – det tyske lufttransportmarked – støtte ydet af Forbundsrepublikken Tyskland til fordel for et luftfartsselskab i forbindelse med covid-19-pandemien – midlertidige rammebestemmelser for statslige støtteforanstaltninger – rekapitalisering af Deutsche Lufthansa AG – Europa-Kommissionens afgørelse om ikke at gøre indsigelse – støtte til afhjælpning af en alvorlig forstyrrelse i en medlemsstats økonomi «

Tvist:

Med appellen har Deutsche Lufthansa AG (herefter »DLH«) nedlagt påstand om ophævelse af Rettens dom af 10. maj 2023, Ryanair og Condor Flugdienst mod Kommissionen (Lufthansa; covid-19) (T-34/21 og T-87/21, herefter »den appellerede dom«, EU:T:2023:248), hvorved Retten annullerede Kommissionens afgørelse C(2020) 4372 final af 25. juni 2020 om statsstøtte SA 57153 (2020/N) – Tyskland – covid-19 – støtte til Lufthansa, berigtiget ved Kommissionens afgørelse C(2021) 9606 final af 14. december 2021 (herefter »den omtvistede afgørelse«).

Dom:

Appellen forkastes. Deutsche Lufthansa AG bærer sine egne omkostninger og betaler de af Ryanair DAC og Condor Flugdienst GmbH afholdte omkostninger. Forbundsrepublikken Tyskland og Europa-Kommissionen bærer hver deres egne omkostninger.

[Læs mere](#)

Dato: 23/04/2026

[C-133/24](#) - **CD Tondela m.fl.**

Nøgleord:

» Præjudiciel forelæggelse – konkurrence – professionel fodbold – no poach-aftale om spillere indgået af et nationalt sportsforbund og en række klubber, efter at sportssæsonen 2019/2020 blev suspenderet som følge af covid-19-pandemien – artikel 101, stk. 1, TEUF – konkurrencebegrænsende formål eller virkning – arbejdsmarkedet – klubbernes ansættelse af spillere – spillernes ensidige opsigelse af ansættelseskontrakten – ansættelseskontraktens udløb – aftalens indhold – den økonomiske og retlige sammenhæng, hvori denne aftale indgår – objektive mål, som nævnte aftale skal nå i forhold til konkurrencen – begrundelse – betingelser – forfølgelse af legitime formål af almen interesse – nødvendighed – proportionalitet «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 101 TEUF. Denne anmodning er indgivet i forbindelse med en tvist mellem på den ene side Liga Portuguesa de Futebol Profissional (LPFP) (den portugisiske professionelle fodboldliga) og en række professionelle fodboldklubber med hjemsted i Portugal og på den anden side Autoridade da Concorrência (konkurrencemyndighed, Portugal) vedrørende en afgørelse, hvorved denne myndighed i det væsentlige fastslog, at LPFP og de professionelle fodboldklubber, der deltager i det portugisiske mesterskab i den nationale første og anden division, havde tilsidesat artikel 101 TEUF og national konkurrenceret som følge af en no poach-aftale om spillere indgået i den sammenhæng, som opstod som følge af covid-19-pandemien, og som følge af at sportssæsonen 2019/2020 blev suspenderet på ubestemt tid.

Dom:

Artikel 101, stk. 1, TEUF skal fortolkes således, at en aftale, hvorved de klubber, der deltager i en medlemsstats mesterskaber i professionel fodbold, efter aftale med det pågældende nationale sportsforbund har forpligtet sig til ikke at ansætte hinandens respektive spillere, såfremt disse spillere ensidigt har opsagt deres ansættelseskontrakt under påberåbelse af vanskelighederne forårsaget af covid-19-pandemien eller af enhver ekstraordinær beslutning i forbindelse med denne pandemi, navnlig forlængelsen af sportssæsonen, skal kvalificeres som en aftale med konkurrencebegrænsende formål, medmindre den konkrete undersøgelse af indholdet af denne aftale, dens objektive formål i forhold til konkurrencen og den specifikke økonomiske og retlige sammenhæng, hvori den indgår, viser præcise grunde til, at den kompetente myndighed eller retsinstans kan fastslå, at en sådan kvalificering ikke kan lægges til grund. Artikel 101, stk. 1, TEUF skal fortolkes således, at det heri fastsatte forbud ikke finder anvendelse på en aftale, hvorved de klubber, der deltager i en medlemsstats mesterskaber i professionel fodbold, efter aftale med det pågældende nationale sportsforbund har forpligtet sig til ikke at ansætte hinandens respektive spillere, såfremt disse spillere ensidigt har opsagt deres ansættelseskontrakt under påberåbelse af vanskelighederne forårsaget af covid-19-pandemien eller af



enhver ekstraordinær beslutning i forbindelse med denne pandemi, navnlig forlængelsen af sportssæsonen, hvis denne aftale for det første ikke kan kvalificeres som havende et konkurrencebegrænsende formål, og hvis det for det andet kan fastslås, at nævnte aftale er begrundet i forfølgelsen af et legitimt formål af almen interesse, i lyset af hvilken aftalen er passende, nødvendig og forholdsmæssig i snæver forstand.

[Læs mere](#)

Dato: 30/04/2026

[C-191/25 - Wenzel Logistics](#)

Nøgleord:

» Præjudiciel forelæggelse – konkurrence – artikel 101 TEUF – karteller – direktiv 2014/104/EU – artikel 3, stk. 2 – ret til fuld erstatning for skade forvoldt af et kartel – betaling af renter – artikel 22, stk. 2 – tidsmæssig anvendelse af de nationale gennemførelsesbestemmelser – fastsættelse af den dato, fra hvilken renterne skal betales – tidspunktet for skadens indtræden i tilfælde af erhvervelse af goder til overpriser «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 3, stk. 2, og artikel 22, stk. 2, 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). Anmodningen er blevet indgivet i forbindelse med en tvist mellem Wenzel Logistics GmbH og Mercedes-Benz Group AG vedrørende erstatning for skade som følge af en overtrædelse af artikel 101, stk. 1, TEUF.

Dom:

Artikel 3, stk. 2, og artikel 22, stk. 2, 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, sammenholdt med artikel 101, stk. 1, TEUF, skal fortolkes således, at en national bestemmelse, der gennemfører retten til fuld erstatning for skade forvoldt ved en overtrædelse af konkurrenceretten og fastsætter, at de renter, der skal betales i forbindelse med denne fulde erstatning, skal beregnes fra datoen – der i givet fald kan ligge før dette direktivs ikrafttræden – for skadens indtræden, skal finde umiddelbar anvendelse på alle de søgsmål, der vedrører en sådan erstatning, og som er blevet anlagt efter ikrafttrædelsen af denne nationale bestemmelse, eller, hvis denne ikrafttræden ligger efter udløbet af fristen for gennemførelse af det nævnte direktiv, på alle sådanne erstatningssøgsmål, der er blevet anlagt efter udløbet af denne frist. Artikel 3, stk. 2, i direktiv 2014/104, sammenholdt med artikel 101, stk. 1, TEUF, skal fortolkes således, at med henblik på fuld erstatning for den skade, der er forvoldt af et kartel, som består i at indgå hemmelige aftaler, der fører til salg af goder til overpriser, er tidspunktet for denne skades indtræden, fra hvilken der skal betales renter, den dato, på hvilken den omstændighed, der overvejende karakteriserer det tidspunkt, hvor skadelidte begyndte at lide et tab eller et indtægtstab som følge af dette kartel, fandt sted.

[Læs mere](#)

Dato: 30/04/2026

[T-87/25 - Westfälisches Textilwerk Adolf Ahlers mod Kommissionen](#)

Nøgleord:

» Konkurrence – konkurrencebegrænsende aftaler – markedet for tøj og tilbehør til kvinder, mænd og børn under licens fra Pierre Cardin – afgørelse, som fastslår en overtrædelse af artikel 101 TEUF – bøde – retlig fejl – forholdsmæssighed – fuld prøvelsesret «

Tvist:

Med søgsmål anlagt i henhold til artikel 263 TEUF har sagsøgeren, Westfälisches Textilwerk Adolf Ahlers Stiftung & Co. KG, nedlagt principal påstand om annullation af i det væsentlige artikel 2, stk. 1, litra b), og artikel 3 i Kommissionens afgørelse C(2024) 8150 final af 28. november 2024 om en procedure i henhold til artikel 101 TEUF og EØS-aftalens artikel 53 (AT.40642 – Pierre Cardin) (herefter »den anfægtede afgørelse«) og, subsidiært, nedsættelse af den bøde, som dette selskab blev pålagt ved denne afgørelse.



Dom:

Europa-Kommissionen frifindes. Westfälisches Textilwerk Adolf Ahlers Stiftung & Co. KG betaler sagsomkostningerne

[Læs mere](#)

Dato: 06/05/2026

Forslag til afgørelse

Intet nyt.

Kendelse

Intet nyt.

Andet nyt fra EU-domstolen

Intet nyt.

Andet internationalt nyt

FNE publica informe preliminar de estudio de mercado sobre comercio electrónico con completa radiografía del sector y recomienda mayor transparencia a las plataformas

Artiklen handler om den chilenske konkurrencemyndighed FNE's foreløbige undersøgelse af markedet for e-handel i Chile og om, hvordan konkurrencen fungerer mellem de største onlineplatforme. Undersøgelsen analyserer udviklingen i sektoren fra 2019 til 2024 med fokus på store platforme som Mercado Libre, Falabella og Walmart Chile samt deres relation til eksterne sælgere.

Rapportens hovedkonklusion er, at markedet for e-handel i Chile generelt fungerer konkurrencedygtigt, og at der fortsat er plads til nye aktører. Samtidig peger FNE på flere forhold, som kan skabe konkurrencemæssige problemer i fremtiden. Myndigheden fremhæver blandt andet, at mange sælgere er meget afhængige af enkelte platforme, og at markedet på visse områder bliver mere koncentreret. Rapporten undersøger også platformenes brug af algoritmer, salgsansvarlige medarbejdere og den såkaldte "buy box", som kan påvirke priser og synlighed, men konkluderer, at disse mekanismer ikke aktuelt begrænser konkurrencen.

En vigtig del af rapporten handler om gennemsigtighed i platformenes vilkår over for sælgerne. FNE mener, at flere platforme har uklare eller potentielt urimelige kontraktbetingelser og anbefaler derfor mere transparente regler om blandt andet priser, dataanvendelse, klageprocedurer og ændringer i vilkår. Rapporten nævner desuden, at Mercado Libre under undersøgelsen fjernede en klausul om prisparitet, som kunne have påvirket konkurrencen mellem platforme. Samlet set konkluderer FNE, at markedet fungerer relativt godt i dag, men at udviklingen bør overvåges tæt for at forhindre fremtidige konkurrenceproblemer.

[Læs mere](#)

Dato: 30/04/2026

3 | LITTERATUR (DK)

Artikler fra UfR

Intet nyt.

Nye publikationer fra Erhvervsministeriet

Intet nyt.

Artikler fra Juristen

Intet nyt.

Artikler fra Erhvervsjuridisk Tidsskrift

Intet nyt.



Artikler fra Revision og Regnskabsvæsen

Intet nyt.

Artikler fra EU-ret og Menneskeret

Intet nyt.

Anden dansk og nordisk litteratur

Intet nyt.

4 | LITTERATUR (UK)

Artikler fra European Competition Law Review

Volume 47, issue 5, 2026:

Editorial: get it right next time (Editorial)

Gavin Murphy

Abstract: Reports on the proposed merger between two US railways to establish a transcontinental freight railway, in which the regulator rejected the first application for approval because the merger contract was not included, but the parties can remedy the defect and submit another application.

The relationship between the public and private enforcement of the AI Act: the case for re-connecting the AI enforcement gap

Professor Francesco Rizzuto

Abstract: Discusses the need for provisions in Regulation 2024/1689 (the AI Act) on the relationship between the public enforcement and the private enforcement of regulatory rules on artificial intelligence (AI).

Rooney rule and the economics of discrimination: a forward or fumble for the NFL?

Lee Yoong Hon

Abstract: Discusses the Rooney rule of the National Football League (NFL) on championing the employment of women and minorities in American football, a case in which a coach alleged race discrimination, economic aspects of discrimination and whether an external regulator should intervene against the NFL.

The outcome of the Google/Enel X - Android Auto Italian case: a significant expansion of access obligations for dominant firms (Case Comment)

Patrick Actis Perinotto

Abstract: Comments on the Italian Council of State judgment in Alphabet Inc v Autorita Garante della Concorrenza e del Mercato on abuse of dominant position by refusal to allow access to an online platform for an app.

India: Supreme Court mandates effects-based analysis in abuse of dominance cases (Case Comment)

Kunal Mehra

Abstract: Considers the Indian Supreme Court judgment in Schott Glass India Pvt Ltd on an effects-based approach to allegations that a firm abused its dominant position, causing net competitive harm, and compares EU guidance on abusive exclusionary conduct.

Finland: procurement - legislation - proposal (Legislative Comment)

Suzanne Simon-Bellamy

Abstract: Reports on Finnish proposals to revise the public procurement statute with a view to increasing competition for contracts.

France: mergers - organic food retail sector

Emmanuel Reille

Abstract: Reports on conditional clearance, with divestment commitments, for a merger between organic food retailers, which included one catchment area within the region where competition concerns were raised, and the store was to be divested.

**Germany: anti-competitive practices - infringement - abuse by undertaking of paramount significance**

Sebastian Plötz

Abstract: Reports on the German Federal Cartel Office finding against Amazon's price control mechanism, and the first order of disgorgement to forfeit the economic benefit of anti-competitive behaviour.

Ireland: mergers - merger control - annual report

Dr Vincent J G Power SC

Abstract: Summarises the annual mergers and acquisitions report of the Irish Competition and Consumer Protection Commission in 2026.

Hong Kong: anti-competitive practices - investigation - restricted business practices

Sandra Marco Colino

Abstract: Reports on a Hong Kong Competition Commission dawn raid on premises and employees' homes, relating to suspected bid rigging by building maintenance companies.

Ireland: anti-competitive practices - investigation - restrictive business practices

Dr Vincent J G Power SC

Abstract: Reports on the Irish Competition and Consumer Protection Commission investigation of suspected resale price maintenance in domestic electric appliances.

Malta: competition - enforcement - digital markets

Adriana Brincat Scicluna

Abstract: Reports on Malta's participation in the EU initiative DICE - Supporting Digital Transformation in Competition Law Enforcement.

Netherlands: anti-competitive practices - informal assessment - restrictive business practices - brick manufacturers

Jotte Mulder

Abstract: Reports on the Dutch regulator's investigation of a proposed collaboration scheme to use reusable pallets for the transport of bricks.

Netherlands: competition - report - competition policy

Jotte Mulder

Abstract: Summarises the first State of the Market report on competition policy, discussing trends which are most influencing this policy.

Netherlands: anti-competitive practices - investigation - restrictive business practices

Jotte Mulder

Abstract: Reports on a Dutch competition investigation of IT companies suspected of making no-poach agreements not to hire former employees of competitors.

Romania: anti-competitive practices - infringement - restrictive business practices - labour market

Cristina de Jonge

Abstract: Reports on fines for eight Romanian motor companies for joining a non-poach agreement to share the labour market.

South Africa: mergers - judgment (Case Comment)

Justin Balkin

Abstract: Reports on the South African Constitutional Court judgment in Lewis Stores Proprietary Ltd v Pepkor Holdings Ltd on a furniture retailer's intervention in merger proceedings before the Competition Tribunal when its two largest competitors Pepkor and Shoprite proposed to merge.

Spain: anti-competitive practices - investigation - alleged abuse of dominance

Pedro Callol

Abstract: Reports on the Spanish regulator's investigation of the search engine for its agreements with press publishers and news agencies, settled with binding commitments.

Spain: anti-competitive practices - travel agency sector



Pedro Callol

Abstract: Reports on fines for four Spanish travel agents for bid-rigging in public procurement procedures.

Türkiye: mergers - merger control

Av. Dr. Gönenç Gürkaynak, Esq.

Abstract: Reports on the new revised rules in Turkey on turnover thresholds and merger control filing.

USA: mergers - judgment (Case Comment)

Anthony P. Badaracco

Abstract: Reports on a Texas district court's judgment on the Chamber of Commerce's challenge to the new reporting requirements for mergers issued by the Federal Trade Commission, currently stayed by the Fifth Circuit Court of Appeals.

Artikler fra European Competition Journal

Volume 22, issue 1, 2026

Law and economics of price personalization: relevance of secondary-line injury cases under Article 102(c) TFEU.

Ganesh, Anush

This paper examines the legal and economic implications of price personalization under EU competition law, particularly Article 102 TFEU. While evidence of price personalization's prevalence is mixed, the paper analyses whether competition law is the appropriate tool for addressing this practice. Through analysis of primary-line and secondary-line injury cases, the paper argues that Article 102(c) TFEU, although technically applicable, may not be the most suitable instrument for regulating price personalization due to its ambiguous effects on consumer welfare. The paper contributes to existing literature by separately examining primary-line and secondary-line injury cases and their relevance to price personalization. It suggests that alternative legislative frameworks, particularly consumer protection directives like the Omnibus Directive, may be more appropriate for addressing price personalization concerns. The paper emphasizes the importance of transparency and consumer trust in implementing price personalization practices and calls for further research on the redistributive effects of personalized pricing between different consumer groups.

Competition law in limbo: Intel, fidelity rebates, and the price of procedural errors.

Marinova, Miroslava

The latest judgment of the Court of Justice of the European Union in the Intel case confirmed the General Court's decision that annulled the EU Commission's decision from 2009, imposing a €1.06 billion fine on Intel for abusing its dominant position by offering fidelity rebate schemes. The article critically evaluates the judgment and discusses the extent to which the CJEU judgment can influence the substantive assessment of fidelity rebates under Art. 102 TFEU. The article concludes that the Intel case is an example of a procedural error that led to the annulment of a decision, and a missed opportunity to bring clarity to the most complex area in competition law – a price too high to bear in terms of administrative cost and effective enforcement. The paper provides some recommendations on how the Commission could integrate the judgment to streamline Article 102 enforcement in the new Art. 102 Guidelines.

Mapping reversals: an empirical account of Margrethe Vestager's track record before the Court of Justice of the European Union.

Schrepel, Thibault; Parrish, Janneke

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

Commission's evaluation of Regulation 1/2003 and Regulation 773/2004: implications for interim measures proceedings in competition law.

Farinhas, Carla



Given the Commission's evaluation of Regulation 1/2003 and Regulation 773/2004, this Article examines the suitability of the legal framework governing interim measures under Article 8 of Regulation 1/2003 to enable urgent action to prevent serious and irreparable damage to competition. It explores whether the procedural requirements applicable strike an appropriate balance between protecting the rights of the undertakings adversely affected whose conduct is being investigated, notably the right to be heard and the right to access the file, and the need for speed inherent in interim measures proceedings. Finding the procedures insufficiently streamlined, something that comes across as today's greatest obstacle to an effective use of this enforcement tool, possible improvements are outlined. The proposals draw on current academic debate, as well as on the Commission's report on the use of interim measures by competition authorities of Member States, published alongside its evaluation of the two Regulations.

Separating or integrating? Data protection in competition assessments: a systematic literature review.

Vandendriessche, Robin; Buts, Caroline

The dual role of personal data in data protection and competition law has given rise to a complex interplay, sparking debate on whether to incorporate data protection considerations into competition assessments. Through a systematic review of relevant literature between 2014 and 2023, using the PRISMA methodology, this article explores recent shifts in the approach to such considerations in competition assessments. We argue that the debate has gradually centred around two more integrationist approaches, mirroring the ongoing evolution in competition law enforcement. While legal studies, which typically refrain from the most integrationist approaches, still dominate the reviewed literature, interdisciplinary research has grown since 2014 onwards. Ultimately, we identify nine considerations through which data protection might surface in competition assessments, which we classify into five categories. We conclude by making a case for a pragmatic approach, where data protection considerations are considered, guided by data protection law as a normative benchmark.

The scope and the limits of the parity clause prohibition in the Digital Markets Act.

Pantazi, Tania

Article 5 (3) of the Digital Markets Act prohibits any gatekeeper behaviour that prevents business users from offering better prices or commercial conditions on other platforms or their own online sales channels. The provision has been obviously inspired by previous competition law cases against large intermediary platforms, namely Amazon and Booking, which are now both designated as gatekeepers, but it is much more far-reaching than a mere ban on contractual clauses. Recent antitrust investigations suggest that gatekeepers use a variety of strategies to restrict businesses: the practices of downgrading businesses in ranking of gatekeepers' search results and undercutting prices have emerged as potential substitutes to parity requirements, but whether they may fall under Article 5 (3) DMA is not always clear. The article proposes an integrated approach that takes into account the combined effect of dubious practices, considering the general objectives of the DMA and the available enforcement mechanisms.

Foundation models and generative AI applications: what competitive concerns?

Manganelli, Antonio

This article analyses the competitive problems potentially arising in the foundation models and generative AI value chain by exploring its structural complexities and distinguishing between upstream and downstream dynamics. While upstream markets, such as cloud services, proprietary data and AI chips, have drawn much of the competition policy attention, tipping dynamics, consumer lock-in and foreclosures are most likely to arise in the downstream part of the value chain. This is particularly relevant for mobile ecosystems, where the integration of foundation models with operating systems, on one side, and the development of agentic systems, on the other side, significantly enhances those competitive risks. Consequently, as a complement to competition law scrutiny, ex-ante regulatory intervention seems necessary to ensure market fairness and contestability, according to principles already embedded in the Digital Markets Act.

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

The Danish merger control call-in power: early cases and implications for EU law

Kathrine Søs Jacobsen Cesko



In July 2024, Danish merger control was reformed through the adoption of Section 12(6) of the Danish Competition Act.¹ The provision empowers the Danish Competition Authority to require notification of concentrations falling below the ordinary turnover thresholds, provided two cumulative conditions are satisfied.² This call-in power was introduced to address an enforcement gap in Danish merger control, whereby smaller but strategically significant concentrations had previously escaped scrutiny.³

The timing was notable, as less than a year after the provision entered into force the Danish Competition Authority had already adopted two decisions requiring notification under Section 12(6).⁴ On 25 August 2025, the Authority for the first time exercised the call-in power by requiring notification of Uber's acquisition of Dantaxi, even though the concentration had already been implemented and did not meet the ordinary thresholds in the Danish Competition Act.⁵ Shortly thereafter, the Authority also required notification of OneMed's acquisition of Kirstine Hardam.⁶ These two preliminary call-in decisions underline the immediate practical relevance of Section 12(6) and demonstrate the breadth of its application. They were not final merger clearance decisions, but rather initial assessments requiring notification, with a full substantive review to follow once notification is completed.

Dato: 01/04/2026

The anatomy of the DMA process: an example of responsive regulation

Richard Feasey and others

Under the Digital Markets Act (DMA),¹ the designated gatekeepers² were expected to comply with the list of 'dos and don'ts' within 6 months of designation. For most of them, this date was 7 March 2024. However, debate continues as to whether all gatekeepers are complying with all their obligations. This should not be surprising: the DMA creates obligations that require some fundamental changes in the ways gatekeepers operate and opens several digital markets and ecosystems to competition.³ In order to steer gatekeepers into compliance, the DMA has created a series of formal enforcement pathways. These are complemented by informal regulatory dialogues which are not provided for expressly in the law but which, as we show in this article, form an essential component of DMA enforcement. This article seeks to shed light on the practice of regulatory dialogue, what outcomes can be achieved in this manner and how this links to the formal enforcement mechanisms in the DMA.

Dato: 09/04/2026

Leniency, settlement, and mutual assistance with criminal enforcement authorities: Case C-2/23 *FL und KM Baugesellschaft and S*

Mathieu Relange

Judgment of 30 October 2025, *FL and KM Baugesellschaft and S*, C-2/23, ECLI:EU:C:2025:848

The Court of Justice held that while EU law does not prevent national competition authorities from transmitting their files to criminal enforcement authorities, including in principle leniency statements and settlement submissions, such mutual assistance must be structured so as not to undermine the effectiveness of leniency programmes and settlement procedures, strictly limiting access to these self-incriminating materials—especially for harmed parties—while allowing broader use of pre-existing supporting evidence.

Dato: 10/09/2026

Insights from incentives: an economic analysis of cover bidding

Jenny Haydock and James Rutt

Cover bidding involves a firm submitting a bid for a tender which is not intended to win the contract and which has been decided upon with input from a competitor. In some cases, the firm which submits a genuine bid,¹ as well as providing information to the firm submitting the cover bid, will also pay that firm a 'compensation payment'.²

Cover bidding has been the subject of a recent Competition and Markets Authority (CMA) decision relating to the supply of demolition services in the UK³ and it has also been the focus of several other cases by the CMA or its predecessors.⁴ Legally, cover bidding constitutes an infringement of Chapter I of the Competition Act 1998, which prohibits agreements between firms that have as their object or effect the prevention, restriction, or distortion of competition within the UK.⁵ The CMA has explained that it is 'settled law' that cover bidding may infringe the Chapter I prohibition⁶ and the Competition Appeal Tribunal has stated, '[t]hat cover bidding is a serious object infringement is incontrovertible'.⁷

Dato: 10/04/2026

Cloud competition as a prerequisite for competitiveness: rethinking EU digital regulation

Judith Arnal

Cloud computing refers to the remote provision of computing resources, such as storage, processing power, and applications, delivered via the internet by third-party providers. By eliminating the need to own and maintain physical IT infrastructure, it allows firms and public administrations to scale operations flexibly, reduce costs, and access cutting-edge digital tools. As such, cloud computing, which is widely recognized as an enabling technology, has become the



foundational infrastructure for AI, big data, and other key digital innovations. Their strategic relevance extends beyond IT departments: they shape firms' capacity to innovate, adapt, and compete in increasingly digitalized markets.¹ The adoption of cloud computing has been shown to boost productivity and firm size through several mechanisms, including cost savings, enhanced operational flexibility, and improved worker efficiency.² Moreover, the falling price of cloud services has further facilitated their uptake: the nominal price of a selected class of cloud products fell by 58 per cent between the first quarter of 2010 and the third quarter of 2018.³ When adjusting for quality improvements, the effective price decline reaches approximately 80 per cent.

Dato: 10/04/2026

Innovation in EU merger control: theories of harm and efficiencies

Martin Peitz

The European Commission is currently revising both the Horizontal and the Non-Horizontal Merger Guidelines. This revision reflects the need to update the analytical framework of EU merger control in light of structural changes in the economy stemming from digitalization, data-driven business models, artificial intelligence, and the growing importance of intangible assets. The revision also provides an opportunity to reflect on recent advances in the economic literature on mergers and innovation.¹ Revising the Horizontal and Non-Horizontal Guidelines together is particularly relevant in this context, as mergers often have both horizontal and non-horizontal dimensions. Mergers may not only affect the merging firms' ability and incentives to innovate, but also those of firms outside the merger.

The policy debate surrounding the revision of the guidelines has also been influenced by broader discussions about the EU's productivity growth and global competitiveness.² In particular, concerns have been raised that the EU may generate too few innovative start-ups in emerging industries and that successful firms scale more slowly than in other jurisdictions. Innovation is central to economic growth and consumer welfare. Productivity growth depends not only on the creation of new technologies, but also on their diffusion across firms and industries. Competition plays a crucial role in both processes. On the one hand, competitive pressure encourages firms to invest in research and development to gain a competitive advantage. On the other hand, competition also pushes firms to adopt superior technologies developed by others.

Dato: 10/04/2026

Opt-out remedies will not fix AI overviews

Spencer Cohen and Todd Davies

In 2024, Google launched AI Overview on Google Search. This feature places a summary response to most user search queries atop the search engine results page (SERP) powered by Google's Gemini AI model. This summary is prepared through the aggregation and synthesis of the sources below the AI Overview on the SERP. This aggregation process is referred to as grounding.

Since its introduction, the AI Overview has steadily reduced direct traffic to publishers' websites.¹ The term 'publisher' includes 'any party that makes content available on the web to any natural or legal persons [using] Google's general search services'.² While much of the debate on the AI Overviews has centred around news organizations, a wide variety of publishers have been affected, including blogs, forums, review platforms, and different service aggregators. Empirical evidence suggests that websites that provide public goods, such as those that provide free and reliable educational content, have suffered the most significant drops in traffic.³ This decline in website click-through rates (CTRs) is attributable to the introduction of AI Overview and threatens publishers' capacity to generate revenue through their websites, which is core to their business models.

Dato: 10/04/2026

From free to fee: antitrust implications of AI training data licensing after *Bartz* and *Kadrey* in the Northern District of California

Martin Wagner

Authors and publishers have brought 84 copyright lawsuits against major AI labs and tech firms across US courts, challenging the legality of training large language models (LLMs) on copyrighted material without authorization.¹ The central issue is whether companies such as OpenAI, Google, and Meta can invoke the fair use defence under Section 107 of the US Copyright Act to train their LLMs without paying for training rights, or whether compensation for copyright holders is required.

In June 2025, two federal judges in the Northern District of California issued the first detailed fair-use decisions on LLM training (*Bartz*² and *Kadrey*³). Their signal is conditional rather than categorical: under US copyright law,⁴ training on lawfully obtained works may qualify as fair use where the process is genuinely transformative and the copying does not confer an unfair market-substituting advantage. Both decisions leave substantial room for different outcomes on different facts.⁵

At the same time, market practice is moving in the opposite direction. Major AI firms are rapidly concluding training data licenses across publishing, news, and others, with the observable deal universe growing by ~230.12 per cent between



February 2025 and January 2026.⁶ Some agreements are publicly disclosed, many are not. Some are broad 'partnerships' bundling multiple rights, but a meaningful subset prices training data as such.

Dato: 10/04/2026

Influence of EU law on the private enforcement of the Digital Markets Act

Jörn Kramer and Simón Maturana

Rules on civil liability and private enforcement are generally not specified by the EU legislator but are largely left to the Member States. There is, however, an increasing number of notable exceptions, including the private enforcement of data (protection) law,¹ of crypto assets law,² the Digital Service Act,³ and EU competition law, governed by the Cartel Damages Directive.⁴ The DMA⁵ however, despite being arguably one of the most significant legal acts in contemporary EU legislation, refrains from establishing an explicit legal framework for private enforcement, which has encountered criticism throughout the legislative process.⁶

Given the absence of an explicit and clear legislative mandate for the DMA's private enforcement, it is the EU courts' case law that sets the framework for private enforcement. Further to previous research on the procedural issues and challenges of enforcing the DMA under national laws,⁷ this article assesses the CJEU's case law to identify and map out the core principles guiding private enforcement. On this basis, the article explores which specific provisions of the DMA are subject to private enforcement and to what extent EU law provides for procedural specifications.⁸ For this purpose, the article also analyses the relationship between the DMA's centralized public enforcement by the Commission and its decentralized private enforcement across different Member States and national courts.

Dato: 10/04/2026

Regulation as an input in abuse analysis under Article 102 TFEU: a conceptual framework and its limits

Ece Ban

Digital markets have become the focus of intensified regulatory intervention across Europe and at the global level.¹ The EU has positioned itself as a pioneering force in regulating digital industries; in former commissioner Vestager's words, it became 'the cradle of tech regulation globally'.² Over the past decade, the EU has introduced a series of landmark regulatory instruments, including but not limited to the Digital Markets Act (DMA), Digital Services Act (DSA), Data Act, General Data Protection Regulation (GDPR), and the AI Act.³ These instruments often recognize potential overlaps and synergies with competition law enforcement, including the well-known 'no prejudice clause', which preserves the parallel application of competition law and shows legislative intention to operate in conjunction with it.⁴ This is most notably the case for the DMA, which has been motivated by the perceived inadequacy of competition law enforcement in digital markets. This expanding room for interaction has attracted increased scholarly attention examining how regulatory instruments complement competition enforcement in digital markets.⁵ In the context of abuse enforcement, these discussions have focused primarily on institutional aspects; substantive implications remained largely confined to specific categories of abuse.

Dato: 27/04/2026

Coping with undesirable effects of DMA implementation: Google search and the ban on self-preferencing

Jens-Uwe Franck and Mauro Hartl

The Digital Markets Act (DMA)¹ is the central building block of the economic regulation of digital gatekeepers in Europe.² In its regulatory ambitions and techniques, it is a measure that is both fascinating and controversial. Its implementation is being watched globally, sometimes with benevolent interest, sometimes with deep scepticism. This high level of attention is hardly surprising: the smallest changes to the business models of the digital gatekeepers' core platform services (CPSs) can have a huge economic impact. Indeed, part of the controversy surrounding the DMA is related to the fact that short-term efficiency losses are to some extent deliberately accepted, primarily in the expectation of long-term economic benefits but also in the pursuit of non-economic goals.

In this article, we specifically consider the more critical case where the regulatory rigidity of the DMA may lead not only to unintended (but in principle acceptable) negative short-term effects but also to consequences that clearly run counter to the DMA's regulatory objective, as implementing measures taken by one digital gatekeeper consolidate the entrenched position of the CPS of another gatekeeper. We will develop four theses in this regard. In short, undesirable effects do not justify a limited enforcement of a particular DMA provision. The Commission cannot prevent these effects by imposing implementation measures under Article 8(2) of the DMA. However, there may be indirect effects on the scope of other DMA provisions that mitigate undesirable effects. Finally, those undesired effects need to be targeted by antitrust and other regulatory instruments.

Dato: 28/04/2026

Public interests in the Digital Markets Act

Eckart Bueren and Nils Imgarten



European Union (EU) law aiming at the protection of free and open competition is undergoing a significant transformation: after the European Commission promoted case-by-case economic analysis as part of its 'more economic approach',¹ the prevailing view now suggests that the resulting more heavy-handed enforcement of competition law is no longer effective in ensuring open and fair markets in the digital platform economy. This realization has prompted new theories of harm² and reform considerations,³ culminating in the Digital Markets Act (DMA), which establishes a framework for the regulation of so-called gatekeepers [Art. 3(1) DMA]. Concurrently, the discussion around non-competitive public interests in the application of competition law has been revitalized, fuelled by the Neo-Brandeis School,⁴ which highlights the social issues arising from the platform economy,⁵ as well as efforts in the EU to promote a green transition of the economy and to revitalize the EU economy by means of industrial policy.

Dato: 29/04/2026

Australia's amended antitrust exemption for collective bargaining with digital labour platforms

Priyanshi

Digital labour platforms (DLPs) are gradually transforming how work is conventionally understood and performed. DLPs have not only created new market segments but also altered existing ones, fundamentally restructuring workplace interactions among economic actors. DLPs, in simpler terms, can be understood as multi-sided platforms that act as intermediaries, connecting clients who avail of services on the one hand with the human labour (platform workers) that performs those services on the other. The rise of prominent DLPs, such as food delivery and ride-hailing, allows individuals to explore flexible work opportunities and secure an income. As of 2025, DLPs are a USD 582.2 billion economy by market size and are expected to grow substantially over the next decade.¹

The opportunities provided to the workers on such platforms, however, are not without challenges. The centralized control of DLPs over key aspects such as distribution and allocation of tasks, the imposition of unilateral terms and conditions, the remuneration model, and the algorithmic management of the allocated work, combined, makes platform workers lose effective control over their engagement. Lack of recognition as 'employees' further pushes them to the periphery of an opaque ecosystem. Additionally, lack of financial security, safety, and social security benefits, otherwise accessible only to employees, along with the geographically dispersed nature of work, worsen their vulnerabilities.² As independent contractors outside the scope of an employer–employee relationship, platform workers possess little to no individual bargaining power, making it difficult for them to extract favourable terms and conditions when engaging with DLPs for work.

Dato: 20/04/2026

The interaction of Article 102 TFEU and the DMA: insights from generative AI value chains

Oscar Borgogno and Antonio Manganelli

The market for artificial intelligence (AI) systems cannot be fully understood without considering the importance of the value chains within which general-purpose foundation models (FMs) constitute a key layer.¹ These models, most prominently large language models and multimodal architectures, serve as the building blocks for a wide range of AI services and applications across the digital economy.² While the public first became widely familiar with AI through natural language processing and conversational systems, recent advances go far beyond chatbots and assistants, extending into fields such as medical research,³ software engineering,⁴ and forecasting.⁵

FMs are trained on large and diverse datasets, enabling their adaptation to a wide range of downstream applications. Generative artificial intelligence (GenAI), a prominent subset of modern AI, focuses on the creation of new content (such as text, images, music, and code) by learning and reproducing complex statistical patterns from extensive data sources.⁶ Most GenAI systems are built upon neural network architectures, which have become the prevailing framework for modelling intricate relationships in language, programming code, and multimodal data. Nevertheless, alternative architectures (such as diffusion models used for image generation) continue to play a vital role in advancing the field and broadening the capabilities of generative systems.

Dato: 30/04/2026

Artikler fra World Competition

Intet nyt.

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

Intet nyt.

Artikler fra Competition Law Journal

Intet nyt.

Artikler fra European Competition and Regulatory Law Review

Volume 10, issue 1, 2026

Fair, Reasonable and Non-Discriminatory Distribution Remuneration For Independent Digital Rail Ticket Distribution Services

Hannah Döding, Christian Koenig

Independent digital rail ticket distributors perform value-adding distribution functions that differ materially from resale-type distribution in other network industries. Competition law alone, including Article 102 TFEU, may be insufficient to secure contestable distribution markets where vertically integrated transport providers can deploy discriminatory commissions, internal cross-subsidies and pricing strategies capable of foreclosing entry. De lege ferenda, this paper proposes an EU Regulation granting independent digital rail ticket distributors an entitlement to a distribution commission on fair, reasonable and non-discriminatory (FRAND) terms. FRAND compliance is assessed by reference to the distributor's added value and the remuneration or compensation afforded to integrated, affiliated or associated distributors, including through intra-group settlement mechanisms. The framework accords primacy to negotiation within fixed deadlines, requires confidential notification of agreements and cost documentation to national supervisory authorities and provides for ex post FRAND review, including prohibition of non-compliant terms and arbitration where necessary. The Commission, after consulting the ENRRB, is to issue FRAND Guidelines to promote consistent application, supported by supervisory cooperation and information-sharing to ensure effective enforcement.

Too Big to Police? The Commission's Digital Agenda vs. Big Tech:

Rita Ferreira Gomes

This article discusses how the Digital Markets Act (DMA) was shaped as the most significant antitrust regulatory response to the challenges posed by large digital platforms. It contextualises the DMA within the broader context of the Digital Single Market strategy and traces the shift in legal paradigm from the traditional competition law framework to the new model of enforcement created by the DMA to achieve contestability and fairness in highly concentrated digital markets. The article offers an overview of its design and of its first years of implementation, including non-compliance action taken by the Commission under the DMA and feedback from stakeholders. It concludes by identifying key changes that must be addressed to achieve the DMA's full potential.

From Energy Markets to Digital Ecosystems: How Authorities Evaluate Access to Data

Fatma Ceren Morbel

Data is often referred to as the new oil, making it extremely important for companies to secure their position within the market. This article examines how access to data can be a source of market power under competition law, examining some recent cases from Europe. While the article examines data regimes and sharing, it also discusses data pooling as well as its pro- and anti-competitive effects. The article aims to analyse the impact of access to data on market dominance through case studies.



Finland · Penalties for Procedural Violations on the Rise? First Proposal for a Penalty Payment for Providing False Information

Satu-Anneli Kauranen

Italy · New Sector Inquiry into the Large-Scale Distribution Sector: The Italian Job

Eleonora Caravà

Portugal · Meliá Revisited: The CJEU's Ruling on Access to Evidence in Portuguese Competition Litigation

Emília Campelo

Switzerland · The Latest Swiss Cartel Law Reform Paradox: Escaping Brussels Only to Invite It Back? open access

Idris Abdelkhalek

Turkey · Non-Competition Clauses for Sellers In Share Purchase Agreements Under Turkish Law

Burcak Yildiz

United Kingdom · Competition Litigation Funding: More, But More Complicated

Kiran Desai

The CAT's Kent v Apple Judgment: Platform Dominance, IP Defences, and Excessive Pricing in Digital Markets

Anush Ganesh

Annotation on the Judgment of the Competition Appeal Tribunal of 23 October 2025 in Dr Rachel Kent v Apple Inc., [2025] UK Competition Appeal Tribunal 67

Artikler fra Communications Law

Volume 31, issue 1, 2026

European Commission fines X €120 million (£105 million) under EU Digital Services Act over its blue tick badges (Case Comment)

Abstract: Notes the European Commission's decision fining X €120 million under Regulation 2022/2065 (Digital Services Act) for allegedly deceiving users with its paid blue tick verification system, and the resulting criticism from US officials who characterised the action as censorship and an attack on American technology companies

Reconciling online privacy protection with free expression in judicial application of injunctions and erasure rights

Shuxin Zhang

Abstract: Compares traditional injunctions with the right to be forgotten under GDPR art.17 for protecting online privacy, examining their effectiveness against the rapid dissemination of personal data online, and assessing the evolving role of judicial remedies in data protection law.

Grading trust, safety, and digital privacy: how a robust disclosure regime could help protect digital privacy, advance trust, and promote civic engagement, while also preserving innovation

Ray Brescia

Abstract: Explores the symbiotic relationship between communications technologies and social movements in liberal democracies, using the US as a case study. Examines the development of the right to privacy in US law, presents a typology of possible approaches to digital privacy regulation and proposes a disclosure-based regulatory regime.

Trump v SLAPPs the BBC

Rebecca Moosavian

Abstract: Reflects on the prospects of Donald Trump's threatened \$1 billion defamation claim against the BBC over misleadingly edited footage in a Panorama episode.

From moderation to prohibition: Australia's social media ban legislation, its implementation and its consequences (Case Comment)

Faith Gordon, Lisa Archbold and Gun Aleek Kaur

Abstract: Evaluates the development, design and implications of Australia's social media ban for under 16s, looking at the shift from platform moderation to complete prohibition in digital governance.

**Repetition rule, meaning and context (Case Comment)**

Abstract: Examines Hemming v Poulton (CA) on the application of the repetition rule in defamation cases, in the context of a libel action against a journalist reporting in a podcast.

Proof of bad reputation (Case Comment)

Abstract: Considers Blake v Fox (CA) allowing an appeal against the dismissal of libel claims relating to Twitter posts, looking at the court's approach to reputational impact where the statements at issue were from third-party publications and not the statements alleged to be libellous.

Mass publication, readership and serious harm (Case Comment)

Abstract: Considers Garrett v Schestowitz (KBD) on whether serious reputational harm in a libel action involving the publication of content on free software websites could be established through inferential evidence, noting the court's approach to determining mass publication.

Serious harm and proper pleadings (Case Comment)

Abstract: Considers Tattersall v Tattersall (KBD) striking out a libel claim arising from a Facebook post made in the context of a family dispute on the basis that there was no evidence that it was likely to cause serious harm or reputational damage.

Artikler fra Computer and Telecommunications Law Review

Volume 32, issue 3, 2026

The ICO's £1,200,000 fine for LastPass security breach highlights the risks of employees using own devices

Rohan Massey

Abstract: Reports on the fine on a password manager provider for failing to stop a hacker who captured a master password from a senior executive's own computer and used it to steal customers' personal data, and criticises LastPass for allowing employees to connect to the network with their own devices.

Digital Markets, Competition and Consumers Act 2024 - a new era of price transparency

Claire Livingstone

Abstract: Discusses the new requirements that online traders disclose the total price of their offering at the earliest stage in the purchasing process, and do not surprise the purchaser with "drip" additional charges.

UK ICO publishes updated guidance on international data transfers

Catherine Keeling

Abstract: Summarises the Information Commissioner's Office updated guidance on international data transfers, introducing a three-step test to identify restricted transfers, guidance on mechanisms, and risk assessment.

Mission: Privacy Possible - Agentic AI and the ICO's vision for a responsible future

Emma Flett

Abstract: Summarises the Information Commissioner's Office Tech Futures report of 8 January 2026 on agentic artificial intelligence (AI) and the data protection issues raised.

The proof is in the pudding: IPEC dismisses software indirect copying claim (Case Comment)

John Patten

Abstract: Comments on Edozo Ltd v Valos (UK) Ltd (IPEC) on alleged indirect copying of software source code by copying functionality.

Examination of antitrust legal approaches to the digital markets

Marcus Ayodeji Araromi

Abstract: Discusses the need to reform competition law and policy to address the challenges posed by e-commerce, protect consumers and promote innovation.

Boosting judicial confidence in blockchain disputes, lessons learnt from Osbourne v Unknown Persons (Case Comment)

Tochukwu Onyiuke



Abstract: Considers *Osbourne v Persons Unknown* (Comm) and the subsequent rulings on the theft of non-fungible tokens (NFTs), their treatment as property under UK law, the novel service of proceedings on a digital wallet, English court's jurisdiction and remedies of constructive trust.

EC computing, telecommunications and related measures

Quentin Archer, Hannah Schofield, Mary Foord-Weston and James Sharp

Abstract: Summarises the status of EC legislative measures on electronic communications, Directive 2002/22 (Telecoms Framework Directive), the Competitiveness and Innovation Framework Programme, electronic commerce, electronic signatures, network security, cybercrime, cybersecurity, the Information Society, technological development, telecommunications, broadcasting, satellite, intellectual property rights, data protection, and taxation.

US federal computing, telecommunications and related measures

David E. Halliday

Abstract: Summarises the status of US federal legislative measures on electronic commerce, cybercrime and security, the internet, the Information Society and e-government, intellectual property, telecommunications and broadcasting, data protection and privacy, taxation and outsourcing.

Artikler fra Global Competition Litigation Review

Volume 19, issue 1, 2026

Prohibiting potential "by effect" restrictions of competition under both Article 101 and Article 102 TFEU: the implications of the Kia Auto ruling of the Court of Justice of the European Union

Professor Francesco Rizzuto

Abstract: Considers *Tallinna Kaubamaja Grupp AS v Konkurences padome* (C-606/23) (ECJ), also known as *Kia Auto*, on a vertical agreement between a car manufacturer and authorised dealers that only authorised dealers should service the cars under warranty and only original spare parts should be used, and examines the distinction between restriction by effect and restriction by object.

No commencement of limitation period prior to a binding decision of the competition authority

Professor Dr Christian Kersting

Abstract: Discusses *CP v Nissan Iberia SA* (C-21/24) (ECJ) on the limitation period for competition law damages running from the date when the competition authority gave its final decision.

Competition, due process and sustainability in the European Union, United States and Russian Federation

Gian Marco Solas

Abstract: Considers the important role of due process in the competition law of the EU, US and Russia, and the analogy between competition law and policy and life science.

MOL (C-425/22): contribution to the interpretation of the economic unit theory

Dr Hab. Anna Piszcz

Abstract: Discusses *MOL Magyar Olaj- es Gazipari Nyrt v Mercedes-Benz Group AG* (C-425/22) (ECJ) on conflict of laws issues relating to private enforcement of competition law by the parent company of a single economic unit.

Spanish Constitutional Court's minimalist approach to arbitral awards involving competition law triggers referral to the CJEU for preliminary ruling (Case Comment)

Gordon Blanke

Abstract: Comments on the Spanish Constitutional Court judgment of 2 December 2024 on the standard of review applicable to arbitral awards in competition law disputes, examining whether external review only or full review based on EU law was appropriate, and the High Court's application for an ECJ ruling.

Artikler fra Market and Competition Law Review

Volume 10, No. 1, 2026

Therapeutic substitutability under scrutiny: defining relevant markets in EU pharmaceutical law

Kanika Kaushik



Market definition is fundamental to EU competition law. It serves as a preliminary step in assessing dominance, anti-competitive conduct, and merger control. With respect to the pharmaceutical sector, traditional approaches to defining the relevant market face specific hurdles. Therapeutic substitutability is seen as a guiding principle which often creates a facade over the complicated circumstances prevalent in the pharmaceutical sector. The pharmaceutical sector is strikingly unique: there is market exclusivity due to patent protection, price disconnect due to prescribing decisions being mediated by physicians, extremely high costs of innovation, and regulatory approvals dependent on the efficacy and safety of clinical trials. This difficulty is amplified in the definition of the relevant market for the product, especially with the rise of biologics and biosimilars, which resist categorisation as interchangeable products despite exhibiting similar therapeutic purposes. This paper critically examines how EU institutions have approached market definition in pharmaceutical cases. Reliance on the Anatomical Therapeutic Chemical (ATC) classification, application of the SSNIP test, and the interpretive tensions reflected in cases such as AstraZeneca and GlaxoSmithKline have been analysed. It argues that conceptually appealing therapeutic substitutability often produces inconsistent outcomes when applied to markets as unique as the pharmaceutical sector. By situating pharmaceutical market definition within the broader debates on competition policy and public health, the paper highlights the need for a more specific framework that takes into consideration the various complexities of biologics and biosimilars, regulation of the pricing strategies, and accessibility to the patient. The paper eventually suggests that EU competition law must evolve towards a hybrid approach where economic theory is balanced along with sector-specific realities. This shall ensure both competitive integrity and the accessibility of medicines.

The application of EU competition law to reverse payment patent settlements in the pharmaceutical sector: current status under article 101 TFEU

Alessandra Campiglia

Over the past few decades, the pharmaceutical sector has witnessed the occurrence of a particular type of agreement used to settle patent disputes between originator and generic drug manufacturers: so-called reverse payment patent settlements, also known as pay-for-delay agreements. Due to their peculiarities and the context in which they occur, these settlements raise issues at the intersection of patent protection, competition law, and pharmaceutical regulation. This has made them one of the most contentious issues in the pharmaceutical industry from a competition law perspective. At the EU level, while reverse payment patent settlements have been at the centre of the European Commission's enforcement priorities for years and the target of various infringement decisions adopted since 2013, they have only more recently reached the Court of Justice. Since 2020, the Court of Justice has ruled on the compatibility of such settlements with EU competition rules, particularly Article 101 TFEU, on various occasions, most recently in October 2025. Through a series of judgments that have now addressed all relevant EU cases, the Court of Justice has delineated the criteria for the antitrust assessment of reverse payment settlements and the application of fundamental notions of EU competition law, notably that of restriction by object, to these agreements. Against this background, this article aims to analyse the current status of pay-for-delay agreements under EU competition law, in particular, Article 101 TFEU. To this end, it first frames the pay-for-delay issue within the context in which it emerged and in light of the existing literature. It then examines the approach to these agreements adopted at the EU level, with particular reference to the recent case law of the Court of Justice. In doing so, it focuses on two key points, namely the assessment of potential competition and of the agreements as restrictions by object under Article 101(1) TFEU.

Gatekeepers, platform power, and EU law: enforcement challenges under the digital markets act

Georgios Pavlidis

This article critically analyses the enforcement framework of the EU Digital Markets Act (DMA), with a focus on its early operational phase. The DMA establishes a new regulatory regime that addresses entrenched platform power through *ante* obligations on designated gatekeepers. Building on the European Commission's emerging practice, ranging from gatekeeper designations and compliance reporting to non-compliance investigations and judicial review, the study examines how Article 3 DMA has been applied in practice. It highlights frictions in the enforcement of core obligations concerning data governance, interoperability, default settings, and app distribution. The analysis further explores the institutional dynamics between the Commission, national authorities, the Digital Markets Advisory Committee, and the High-Level Group, showing how these bodies shape the coherence of DMA enforcement within the broader EU digital acquis. By tracing the regulatory trajectory from designation to compliance, the article assesses whether the DMA can fulfil its stated objectives of fairness and contestability in digital markets, while it also identifies the structural and institutional challenges that may hinder its effectiveness.

Algorithmic "collusion" and the application of article 101 TFEU: can an agreement exist without a concurrence of wills?

Guilherme Oliveira e Costa

Algorithms pose interesting challenges to competition law, particularly discussing which practices involving this fast-paced technologies may or should be caught under Article 101 of the Treaty on the Functioning of the European Union



("TFEU"). As AI-driven pricing algorithms become increasingly prevalent across various industries, they offer significant efficiencies to firms and consumers, but also raise concerns about their potential to facilitate the implementation of anticompetitive practices. Moreover, at least in theory, it is argued that algorithms may achieve "collusive" outcomes without being programmed to do so but rather converging positions autonomously. Thus, the analytical framework of algorithmic practices under competition law depends, first and foremost, on undertakings' use of algorithms. However, to better understand such analysis, it is important to primarily understand how algorithms work, and which factors affect the delivered output, while bearing in mind the essential concepts about collusion in EU competition law. Ultimately, it will be defended that while express algorithmic collusion fits within the traditional legal framework, autonomous algorithmic "collusion" seemingly lacks the requirement of a concurrence of wills, meaning that it should not be captured by Article 101 TFEU.

Conglomerate mergers in digital ecosystems: EU merger control beyond foreclosure

Laura Zoboli

Over the past two decades, large technology firms have evolved into complex digital ecosystems operating across multiple, interconnected markets. This transformation has been driven not only by internal innovation, but also by extensive merger and acquisition activity, much of which has taken the form of conglomerate mergers. Traditionally regarded as largely benign, such transactions pose distinctive competitive risks in digital markets characterised by network effects, economies of scale and scope, data advantages, and user lock-in. This article examines how EU merger control has responded to the expansion of digital ecosystems through conglomerate mergers. It argues that traditional theories of harm—centred on foreclosure and static market power—are often ill-suited to capture the cumulative and dynamic effects of ecosystem expansion. Drawing on social-science conceptions of power, the article shows that digital ecosystems exercise multiple, overlapping forms of economic and political influence that extend beyond price effects. Against this background, the article analyses the European Commission's enforcement practice, with particular attention to the prohibition of Booking's acquisition of eTraveli. The decision has been widely characterised in the literature as the first EU prohibition grounded in concerns of ecosystem entrenchment in a digital-adjacent conglomerate setting. The article situates this case within broader debates on killer acquisitions, assimilation strategies, and the limits of current jurisdictional and substantive tools. The article concludes that conglomerate mergers in digital ecosystems should no longer be presumed benign. While such transactions may generate efficiencies, they also risk reinforcing structural features that reduce contestability and innovation. EU merger control must therefore continue to evolve towards a more dynamic, ecosystem-aware framework capable of addressing long-run competitive harm.

Global antitrust and sustainability: law, economics, enforcement, Julian Nowag (Book Review)

Benedita Sequeira

The topic of sustainable development, "development that meets the needs of the present without compromising the ability of future generations to meet their own needs"¹, has recently gained the attention of competition authorities. Indeed, with the business sector increasingly being called on to participate in sustainability initiatives, it is important to acknowledge that although there are many instances where competition is beneficial for this purpose, there are others where private actors may only advance sustainability objectives by coordinating their business strategies and practices, for instance, where first-mover disadvantages, information asymmetries or other externalities take place. In the competition and sustainability field, enforcers seem to be placed at cross-roads: on the one hand, they should avoid obstructing sustainability initiatives that are anti-competitive, provided their benefits outweigh the detriment caused to competition, and ensure that sustainability is not used as a cover for anticompetitive conduct, e.g., in the case of greenwashing; on the other hand, they should avoid going beyond their legitimate democratic mandate to analyse competition infringements in the market. This is where Nowag's recently published work comes into play, providing competition authorities, legal specialists, and policymakers with some food for thought and new insights. By identifying diverse tools used in different jurisdictions to handle the matter, this book allows one to "think more creatively about the interplay between sustainability and antitrust", ensuring that competition policy contributes to a more sustainable world.²

Andre udenlandske artikler

Intet nyt.

5 | NYT FRA KONKURRENCEGRUPPEN

Reserver datoen: 27. maj kl. 13:00–16:00

Margin squeeze: The Frankenstein Monster of Article 102



Det Juridiske Fakultet

Den 27. maj inviterer Copenhagen Competition Law Lab til et event, hvor vi sætter fokus på misbrugsformen margin squeeze og de nye sager, der synes at være under opsejling – både generelt og i telesektoren.

I 2025 fandt Konkurrencerådet eksempelvis, at Coloplast Danmark havde misbrugt sin dominerende stilling i strid med konkurrencelovens § 11 gennem margin squeeze på markedet for stomihjælpemidler og tilhørende serviceydelser til kommuner. Samtidig rapporterede Børsen den 15. april, at teleselskabet Fastspeed netop har anlagt sag mod TDC ved Sø- og Handelsretten – ligeledes om margin squeeze.

Margin squeeze anses ofte for at være en af de mest komplekse misbrugsformer på grund af de mange metodiske valg, der indgår i vurderingen. Den er derfor blevet omtalt som "The Frankenstein Monster of Article 102".

Læs mere og tilmeld dig her:

<https://event.it/cbslaw/5y1t9e>

Eventen afholdes på engelsk og streames via Zoom, så du kan deltage både fysisk og online.