Konkurrenceretlig Nyhedsoversigt nr. 112 / dækkende 12. maj 2026 – 22. juni 2026

Indhold

1. **Dansk ret**
   - Nyt fra Konkurrence- og Forbrugerstyrelsen
   - Nyt fra Konkurrencerådet
   - Nyt fra Konkurrenceankenævnet
   - Nye afgørelser fra domstolene
   - Lovforslag i høring
   - Ny lovgivning
   - Nyt fra Ankestyrelsen
   - Andet

2. **Europæisk og international ret**
   - Nyt fra Kommissionen
   - Kommisionsafgørelser
   - Nyt fra EU-domstolene
   - Andet internationalt nyt

3. **Litteratur (DK)**
   - Artikler fra Ugeskrift for Retsvæsen
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   - Artikler fra Juristen
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   - Artikler fra EU-ret og Menneskeret
   - Konkurrenceretlige emner
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4. **Litteratur (UK)**
   - European Competition Law Review
   - European Competition Journal
   - Journal of Competition Law and Economics
   - Journal of Antitrust Enforcement
   - Journal of European Competition Law and Practice
   - World Competition
   - Antitrust Law Journal
   - The Antitrust Bulletin (US Journal)
   - Competition Law & Policy Debate
   - Competition Law Scholars Forum
   - Journal of Regulatory Economics
   - International Review of Law and Economics
   - Competition Law Journal
   - European Competition and Regulatory Law Review
   - Communications Law
   - Computer and Telecommunications Law Review
   - Global Competition Litigation Review
   - Market and Competition Law Review
   - Andre udenlandske artikler

5. **Nyt fra konkurrencegruppen**

1 | DANSK RET

Nyt fra Konkurrence- og Forbrugerstyrelsen

Eurowind Energy overtagelse af Connected Wind Services Danmark er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 20/05/2026

Standout's ønske om at erhverve enekontrol over Group Online er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato 22/05/2026

Godkendelse på baggrund af en forenklet sagsbehandling af Per Aarsleff Holding A/S' erhvervelse af enekontrol over CG Jensen A/S og Adserballe & Knudsen A/S, m.fl.
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato 22/05/2026

Fusion mellem Kapitalforeningen Formuepleje og Kapitalforeningen Formuepleje Safe er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato 27/05/2026

Fusion mellem Kapitalforeningen Formuepleje og Kapitalforeningen Formuepleje Penta er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato 27/05/2026

Capidea Kapital IV's ønske om at overtage Houkjær Begravelse ApS er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato 02/06/2026

Altor Fund VI's erhvervelse af Rut MidCo AB er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato 12/06/2026

A.P. Møller-koncernens overtagelse af PowerCon via KK Group er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato 18/06/2026

E.ON UK Limited erhvervelse af enekontrol over OVO Energy Ltd er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato 19/06/2026

Nyt fra Konkurrencerådet

Intet nyt.

Nyt fra Konkurrenceankenævnet

Intet nyt.

Nyt fra domstolene

Civilretlige afgørelser

Intet nyt.

Straffesager

Sø- og Handelsretten: Lemvig Varmeværk A M B A mod Konkurrence- og Forbrugerstyrelsen - indgået retsforlig
I mFRR-sagskomplekset er der nu indgået forlig i de første seks resterende sager baseret på Sø- og Handelsrettens domme i prøvesagerne.
Læs mere
Dato 04/06/2026

Sø- og Handelsretten: Snedsted Varmeværk mod Konkurrence- og Forbrugerstyrelsen - indgået retsforlig
I mFRR-sagskomplekset er der nu indgået forlig i de første seks resterende sager baseret på Sø- og Handelsrettens domme i prøvesagerne.
Læs mere
Dato 04/06/2026

Sø- og Handelsretten: Videbæk Varme A/S mod Konkurrence- og Forbrugerstyrelsen - indgået retsforlig
I mFRR-sagskomplekset er der nu indgået forlig i de første seks resterende sager baseret på Sø- og Handelsrettens domme i prøvesagerne.
Læs mere
Dato 04/06/2026

Sø- og Handelsretten: Ringkøbing Fjernvarmeværk A M B A mod Konkurrence- og Forbrugerstyrelsen - indgået retsforlig
I mFRR-sagskomplekset er der nu indgået forlig i de første seks resterende sager baseret på Sø- og Handelsrettens domme i prøvesagerne.
Læs mere
Dato 04/06/2026

Sø- og Handelsretten: Christiansfeld Fjernvarmeselskab A.m.b.a. mod Konkurrence- og Forbrugerstyrelsen - indgået retsforlig
I mFRR-sagskomplekset er der nu indgået forlig i de første seks resterende sager baseret på Sø- og Handelsrettens domme i prøvesagerne.
Læs mere
Dato 04/06/2026

Sø- og Handelsretten: Løgumkloster Fjernvarme mod Konkurrence- og Forbrugerstyrelsen - indgået retsforlig
I mFRR-sagskomplekset er der nu indgået forlig i de første seks resterende sager baseret på Sø- og Handelsrettens domme i prøvesagerne.
Læs mere
Dato 04/06/2026

Lovforslag i høring

Høring – Revidering af Forbrugerombudsmandens anbefalinger til virksomheders miljømarkedsføring

Som følge af en ændring af markedsføringsloven, der træder i kraft den 27. september 2026, har Forbrugerombudsmanden revideret sine anbefalinger til virksomheders miljømarkedsføring fra oktober 20242. Ændringen af markedsføringsloven medfører blandt andet, at bilaget til markedsføringsloven, der oplister former for markedsføring, der altid er vildledende, bliver udvidet med en række punkter om klima og miljø. Derudover bliver der tilføjet flere former for markedsføring til markedsføringslovens § 5, der forbyder vildledende handlinger.
Læs mere
Høringsfrist: 21-07-2026

Ny lovgivning

Intet nyt.

Nyt fra Ankestyrelsen

Intet nyt.

Andet

Intet nyt.

2 | EUROPÆISK OG INTERNATIONAL RET

Nyt fra Kommissionen

Antitrust & Cartels

Commission sends Statements of Objections to several companies concerning synthetic turf cartels
The European Commission has informed several companies active in the synthetic turf sector of its preliminary view that they have breached EU antitrust rules by colluding to distort competition in synthetic turf for sports pitches in the Netherlands and Germany.
Læs mere
Dato 21/05/2026

Commission imposes interim measures on Meta to preserve free access to WhatsApp for rival AI assistants
The European Commission has ordered Meta to restore free access to WhatsApp for rival general-purpose AI assistants, and maintain it until the end of the Commission's antitrust investigation.
Læs mere
Dato 09/06/2026

Mergers

Commission unconditionally approves Suzano's acquisition of Kimberly-Clark IFP
The European Commission has unconditionally approved, under the EU Merger Regulation, the proposed acquisition by Suzano S.A. ('Suzano') of Kimberly Clark IFP NewCo B.V. ('Kimberly-Clark IFP').
Læs mere
Dato 11/05/2026

Commission unconditionally approves Arla's acquisition of DMK and DOC
The European Commission has unconditionally approved, under the EU Merger Regulation, the proposed acquisition by Arla Foods amba ('Arla') of Deutsches Milchkontor eG ('DMK') and Drents Overijsselse Coöperatie Kaas U.A.('DOC').
Læs mere
Dato 28/06/2026

Commission approves Carlyle's acquisition of BASF Coatings, subject to conditions
The European Commission has approved, under the EU Merger Regulation, the proposed acquisition of BASF's coatings division ('BASF Coatings') by The Carlyle Group Inc. ('Carlyle').

Læs mere
Dato 02/06/2026

Commission approves Holcim's acquisition of Xella, subject to conditions
The European Commission has approved, under the EU Merger Regulation, the proposed acquisition of Xella international S.A. ('Xella') by Holcim Ltd ('Holcim').
Læs mere
Dato 12/06/2026

State Aid

Commission invites comments on draft revised State aid rules for air transport
The European Commission has today launched a public consultation inviting all interested parties to comment on its draft revised Guidelines on State aid to the air transport sector. These will replace the existing Guidelines, which were adopted in 2014.
Læs mere
Dato 11/05/2026

Commission approves €1.5 billion Spanish State aid scheme to support farmers affected by 2025-2026 floods in Andalusia and Extremadura
The European Commission has approved, under EU State aid rules, a €1.5 billion Spanish scheme to support farmers affected by a series of adverse meteorological events in the regions of Andalusia and Extremadura between 10 November 2025 and 9 February 2026.
Læs mere
Dato 11/05/2026

Commission approves €288 million German State aid for first-of-a-kind facilities in semiconductor value chain
The European Commission has approved €288 million in German State aid to support the setting up two new facilities in the semiconductor supply chain.
Læs mere
Dato 20/05/2026

Commission approves €1.3 billion German State aid to support renewable hydrogen production
The European Commission has approved, under EU State aid rules, a €1.3 billion German State aid scheme to support the production of renewable hydrogen through the European Hydrogen Bank's "Auctions-as-a-Service" tool for the auction that closed in 2026.
Læs mere
Dato 20/05/2026

Commission approves €13 million French State aid for fishing companies facing increased fuel prices due to Middle East crisis
Approved €13 million French aid scheme to support fishing companies to address the increase in fuel prices due to the Middle East crisis. The scheme was approved under the Middle East Crisis Temporary State Aid Framework (METSAF) adopted by the Commission on 29 April 2026.
Læs mere
Dato 22/05/2026

Commission approves €15 million French State aid for agricultural and aquaculture companies facing increased fuel prices
The European Commission has approved a €15 million French State aid scheme to support agricultural and aquaculture companies facing increased fuel prices due to the Middle East crisis. The scheme was approved under the Middle East Crisis Temporary State Aid Framework (METSAF)
Læs mere
Dato 28/05/2026

Commission approves €500 million Spanish State aid for agricultural companies facing increased fertiliser prices
The European Commission has approved a €500 million Spanish State aid scheme to support agricultural companies facing increased fertiliser prices due to the Middle East crisis.

Læs mere
Dato 28/05/2026

Commission approves €9 billion Spanish capacity mechanism for security of electricity supply
The European Commission has approved, under EU State aid rules, a €9 billion capacity mechanism for electricity supply for Spain.
Læs mere
Dato 29/05/2026

Commission approves €54 million Spanish State aid for agricultural companies facing increased fuel prices
The European Commission has approved a €54 million Spanish State aid scheme to support agricultural companies facing increased fuel prices due to the Middle East crisis.
Læs mere
Dato 02/06/2026

Commission approves €25 million Spanish State aid for fishing companies facing increased fuel prices
The European Commission has approved a €25 million Spanish State aid scheme to support fishing companies facing increased fuel prices due to the Middle East crisis.
Læs mere
Dato 04/06/2026

Commission approves €100 million Austrian State aid scheme to support cleantech manufacturing capacity
The European Commission has approved a €100 million Austrian scheme to support clean technology ('cleantech') manufacturing capacity, in line with the objectives of the Clean Industrial Deal. This measure will contribute to the transition towards a net-zero economy.
Læs mere
Dato: 05/06/2026

Commission approves €23 billion Italian State aid scheme to support renewable electricity production
The European Commission has approved a €23 billion Italian State aid scheme to support electricity production from renewable energy sources, in line with the objectives of the Clean Industrial Deal.
Læs mere
Dato 08/06/2026

Commission approves €8 million Croatian State aid for fishing companies facing increased fuel prices
The European Commission has approved an €8 million Croatian State aid scheme to support fishing companies facing increased fuel prices due to the Middle East crisis. The scheme was approved under the Middle East Crisis Temporary State Aid Framework (METSAF) adopted by the Commission on 29 April 2026
Læs mere
Dato 15/06/2026

Commission approves €1 billion Slovak State aid scheme to support cleantech manufacturing capacity
The European Commission has approved a €1 billion Slovak scheme to support clean technology (cleantech) manufacturing capacity in line with the objectives of the Clean Industrial Deal.
Læs mere
Dato 17/06/2026

Commission approves €85 million Irish State aid for agricultural companies facing increased fuel prices
The European Commission has approved an €85 million Irish State aid scheme to support agricultural companies facing increased fuel prices due to the Middle East crisis.
Læs mere
Dato 17/06/2026

Andet

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.
Læs mere

Dato 11/05/2026

Roundtables - cloud computing services
The Commission is organising thematic roundtables as part of its market investigation on the application of the Digital Markets Act (DMA) to cloud markets.
Læs mere
Dato 13/05/2026

Commission publishes 2025 report on the Digital Markets Act implementation
The Commission published its third annual report outlining the progress towards achieving the objectives of the DMA to support fair and contestable digital markets in the EU.
Læs mere
Dato 22/05/2026

Nyt fra EU-domstolen

Domme

T-522/20 RENV - **Carpatair mod Kommissionen**

Nøgleord:

» Statsstøtte – luftfartssektoren – foranstaltninger gennemført af Rumænien til fordel for Timișoara Lufthavn – foranstaltninger gennemført af Timișoara lufthavn til fordel for Wizz Air og de luftfartsselskaber, der benytter lufthavnen – afgørelse, hvorved det fastslås, at der ikke er tale om statsstøtte til fordel for Timișoara lufthavn og de luftfartsselskaber, der benytter lufthavnen – lufthavnsafgifter – annullationssøgsmål – søgsmålskompetence – individuelt berørt – ingen væsentlig påvirkning af den konkurrencemæssige stilling – delvis afvisning – artikel 107, stk. 1, TEUF – retlig fejl – selektiv karakter – fordel «

Tvist:

Med sit søgsmål anlagt i henhold til artikel 263 TEUF har sagsøgeren, Carpatair SA, nedlagt påstand om annullation af Kommissionens afgørelse (EU) 2021/1428 af 24. februar 2020 om Rumæniens statsstøtte SA. 31662 – C/2011 (ex NN/2011) til Timișoara International Airport – Wizz Air (EUT 2021, L 308, s. 1, herefter »den anfægtede afgørelse«), for så vidt som det heri konkluderes, at visse foranstaltninger ikke udgør statsstøtte som omhandlet i artikel 107, stk. 1, TEUF.

Dom:

Artikel 2 i Kommissionens afgørelse (EU) 2021/1428 af 24. februar 2020 om Rumæniens statsstøtte SA. 31662 – C/2011 (ex NN/2011) til Timișoara International Airport – Wizz Air annulleres, for så vidt som heri fastslås, at de lufthavnsafgifter, der fremgår af luftfartsinformationspublikationen af 2010, ikke udgør statsstøtte. I øvrigt frifindes Europa-Kommissionen. Carpatair SA, Kommissionen, Wizz Air Hungary Légiközlekedési Zrt. (Wizz Air Hungary Zrt.) og Societatea Națională »Aeroportul Internațional Timișoara – Traian Vuia« SA (AITTV) bærer hver deres egne omkostninger i forbindelse med sagerne for Retten og Domstolen.
Læs mere
Dato 13/05/2026

C-545/24 - **Utiledulci**

Nøgleord:

» Præjudiciel forelæggelse – statsstøtte – støtteordning, der er uforenelig med det indre marked – regler for anvendelsen af artikel 108 TEUF – forordning (EU) 2015/1589 – tilbagebetaling af støtte – forpligtelse til at tilbagebetale – artikel 16, stk. 3 – omgående og effektiv gennemførelse – medlemsstaternes procesautonomi – indstilling af den nationale skatteinddrivelsesprocedure – betingelse om, at der skal stilles en passende sikkerhed – forenelighed «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 16, stk. 3, i Rådets forordning (EU) 2015/1589 af 13. juli 2015 om fastlæggelse af regler for anvendelsen af artikel 108 [TEUF] (EUT 2015, L 248, s. 9) og artikel 5 i Kommissionens afgørelse (EU) 2022/1414 af 4. december 2020 om støtteordning SA.21259 (2018/C) (ex 2018/NN) gennemført af Portugal for Zona Franca da Madeira (ZFM) – ordning III (EFT 2022, L 217, s. 49, herefter »Kommissionens afgørelse af 4. december 2020«). Denne anmodning er blevet indgivet i forbindelse med en tvist mellem Utiledulci – Comércio Internacional e Serviços Sociedade Unipessoal, Lda. – Zona Franca da Madeira (herefter »Utiledulci«) og Autoridade Tributária e Assuntos Fiscais da Região Autónoma da Madeira (skatte- og afgiftsmyndigheden i den selvstyrende region Madeira, Portugal) (herefter »skatte- og afgiftsmyndigheden«) vedrørende en skatte- og afgiftsinddrivelsesprocedure mod Utiledulci med henblik på tilbagebetaling af den statsstøtte, som dette selskab var blevet tildelt i form af en nedsættelse af indkomstskattesat

Dom:

Artikel 16, stk. 3, i Rådets forordning (EU) 2015/1589 af 13. juli 2015 om fastlæggelse af regler for anvendelsen af artikel 108 [TEUF]
skal fortolkes således, at de kompetente nationale myndigheder og de nationale domstole er forpligtet til at undlade at anvende nationale bestemmelser, som gør det muligt at indstille en skatte- eller afgiftsinddrivelsesprocedure med henblik på tilbagebetaling af ulovlig statsstøtte, der er uforenelig med det indre marked, hvis støttemodtageren stiller sikkerhed i form af en bankgaranti, en garanti, en kautionsforsikring, et udlæg, et frivilligt pant eller ethvert andet middel, som kan sikre inddrivelsen af rekvirentens fordring, eller som på anmodning fra modtageren gør det muligt for denne at blive fritaget for forpligtelsen til at stille en sådan sikkerhed, medmindre modtageren ved sikkerhedsstillelsen fratages den med støtten forbundne konkurrencefordel.
Læs mere
Dato 21/05/2026

C-52/25 - **Binanrier**

Nøgleord:

» Præjudiciel forelæggelse – statsstøtte – gruppefritagelse for visse former for støtte til landbrugs- og skovbrugssektoren – forordning (EU) nr. 702/2014 – støtte til kompensation for skader forårsaget af ugunstige vejrforhold, der kan sidestilles med en naturkatastrofe – nedsættelse af støtten, hvis der ikke er tegnet en forsikring, som dækker mindst 50% af den gennemsnitlige årlige produktion eller produktionsbestemte indkomst og de hyppigst forekommende vejrrisici i den pågældende medlemsstat eller region – artikel 25, stk. 9 – ikke muligt for støttemodtageren at tegne den fornødne forsikring «

Tvist:

Anmodningerne om præjudiciel afgørelse vedrører fortolkningen af artikel 25, stk. 9, i Kommissionens forordning (EU) nr. 702/2014 af 25. juni 2014 om forenelighed med det indre marked efter artikel 107 [TEUF] og 108 [TEUF] af visse kategorier af støtte i landbrugs- og skovbrugssektoren og i landdistrikter (EUT 2014, L 193, s. 1). Disse anmodninger er blevet indgivet i forbindelse med to tvister mellem på den ene side RZ og GT (sag C-52/25) og AX og UI (sag C-53/25), der er landbrugere, og på den anden side Région wallonne (regionen Vallonien, Belgien) vedrørende kompensation for de skader, som disse sagsøgere led som følge af tørke.

Dom:

Artikel 25, stk. 9, i Kommissionens forordning (EU) nr. 702/2014 af 25. juni 2014 om forenelighed med det indre marked efter artikel 107 [TEUF] og 108 [TEUF] af visse kategorier af støtte i landbrugs- og skovbrugssektoren og i landdistrikter skal fortolkes således, at en støtte, der skal yde kompensation til små og mellemstore virksomheder (SMV), der driver virksomhed i den primære landbrugsproduktion, for skade forårsaget af et ugunstigt vejrforhold, der kan sidestilles med en naturkatastrofe, skal nedsættes med halvdelen, når denne SMV ikke er forsikret mod de statistisk set hyppigst forekommende vejrrisici i den pågældende medlemsstat eller region, i et tilfælde, hvor den pågældende støtte tager sigte på at yde kompensation for en skade forårsaget af et sådant vejrforhold, som dels ikke henhører under disse risici, dels ikke udgør en risiko, mod hvilken der i den pågældende medlemsstat eller region kan tegnes forsikring. Artikel 25, stk. 9, i forordning nr. 702/2014
skal fortolkes således, at en støtte, som skal yde kompensation til en lille eller mellemstor virksomhed (SMV), der driver virksomhed inden for primær landbrugsproduktion, for skade forårsaget af et ugunstigt vejrforhold, der kan sidestilles med en naturkatastrofe, ikke skal nedsættes med halvdelen, når denne SMV ikke har kunnet tegne en forsikring, der

opfylder betingelserne i nævnte bestemmelse for den type produktion, som vedkommende driver, henset til det udbud, der er tilgængeligt på det relevante forsikringsmarked.
Læs mere
Dato 21/05/2026

C-69/25 P - **Merlin m.fl. mod Kommissionen**

Nøgleord:

» Appel – passivitetssøgsmål – artikel 265 TEUF – den fælles fiskeripolitik – finansiering til redere, der udøver elektrofiskeri med bomtrawl – klage – begrebet Europa-Kommissionens »stillingtagen« – en stillingstagens klare og endelige karakter «

Tvist:

Laurent Merlin og de øvrige 27 appellanter har med deres appel nedlagt påstand om ophævelse af punkt 2 i konklusionen i Den Europæiske Unions Rets dom af 13. november 2024, Merlin m.fl. mod Kommissionen (T-141/23, herefter »den appellerede dom«, EU:T:2024:818), hvorved Retten frifandt Kommissionen i forbindelse med deres søgsmål med påstand om, at det blev fastslået, at Kommissionen havde udvist passivitet for så vidt angår dens undladelse af at vedtage en afgørelse i henhold til forordning (EU) 2015/1589 af 13. juli 2015 om fastlæggelse af regler for anvendelsen af artikel 108 [TEUF] (EUT 2015, L 248, s. 9) om den anmeldte finansiering inden for rammerne af Den Europæiske Fiskerifond (EFF) og Den Europæiske Hav- og Fiskerifond (EHFF).

Dom:

Appellen forkastes. Laurent Merlin, Stéphane Pinto, Gaëtan Delsart, Gaëtan Baillet, Jean-Yves Noël, Christophe Lhomel, Jérémy Lhomel, Stéphane Fournier, Alexandre Fournier, Christian Dubois, Franck Nowe, Jean-Pierre Deparis, Frédéric Drogerys, Jean-Marie Baheu, Jonathan Delsart, José Pinto, Mathieu Pinto, Olivier Leprêtre, Josse Martin, Lionel Descharles, Loïc Merlin, Philippe Calone, Sébastien Leprêtre, Philippe Mahieu, Andries Visser, Charles Lines, Paul Lines og Low Impact Fishers of Europe (LIFE) bærer hver deres egne omkostninger og betaler de af Europa-Kommissionen afholdte omkostninger.
Læs mere
Dato 11/06/2026

Forslag til afgørelse
Intet nyt.

Kendelse
Intet nyt.

Andet nyt fra EU-domstolen
Intet nyt.

Andet internationalt nyt

Foreign investment screening: Council signs off on updated framework
The Council today adopted a regulation revising the EU framework for screening foreign direct investments (FDI), strengthening the EU's ability to identify, assess and address risks to security and public order linked to certain foreign investments.
Læs mere
Dato 08/06/2026

Commission opens consultation on territorial supply constraints
The European Commission has launched a public consultation to gather stakeholders and citizens' views on planned action to address territorial supply constraints.
Læs mere
Dato 28/06/2026

REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT
Annual report on the implementation of Regulation (EU) 2022/1925 of the European Parliament and of the Council on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act)
Læs mere
Dato 22/05/2026

The Norwegian Competition Authority examines the banking market
The Norwegian Competition Authority is launching a sector inquiry to analyse competition between banks. This is the first step towards a potential market investigation in the banking sector.
Læs mere
Dato 27/05/2026

Draft revised guidance on our approach to assessing merger efficiencies
The Competition and Markets Authority (CMA) is consulting on draft revised guidance on our approach to assessing rivalry-enhancing efficiencies in mergers.
Læs mere
Dato 03/04/2026

Letter from the Chief Executive of the CMA to the secretary of State for Education
I brevet takker Sarah Cardell, administrerende direktør for den britiske Competition and Markets Authority (CMA), for ministerens henvendelse om regeringens tilgang til børnepasning og ønsket om en gennemgang af markedet. Hun understreger, at CMA arbejder for at fremme konkurrence og beskytte forbrugerne med det formål at styrke økonomien og forbedre prisniveauet på vigtige områder. Myndigheden har allerede fulgt udviklingen på børnepasningsområdet gennem nogen tid, men vurderer, at den nuværende fase af regeringens politiske arbejde gør det særligt relevant at bidrage med uafhængige analyser og anbefalinger. Derfor vil CMA udarbejde et konkret forslag til en undersøgelse af børnepasningsmarkedet og fremlægge det for sin bestyrelse den følgende måned. Efter denne behandling vil ministeren modtage en opdatering om resultatet. Afslutningsvis udtrykker CMA et ønske om fortsat tæt samarbejde med regeringen og hilser tilbuddet om adgang til statslige ressourcer og ekspertise velkommen.
Læs mere
Dato 26/05/2026

CMA recommends overhaul of road and rail procurement to cut costs and drive economic growth through infrastructure investment
Civil engineering market study sets out recommendations to tackle long-standing delivery issues in road and rail infrastructure.

- Report shows fragmented, short-term procurement approach is driving up costs, slowing delivery, and holding back investment and innovation.
- Report sets out fixes to the road and rail infrastructure market, highlighting external research showing potential savings of up to £5 billion a year.
- CMA recommendations could be applied across other public infrastructure sectors.

Læs mere
Dato 21/05/2026

3 | LITTERATUR (DK)

Artikler fra UfR

Intet nyt.

Nye publikationer fra Erhvervsministeriet

Lidegaard sætter konkurrencekraft og forsvarsindustri på dagsordenen i Paris
Under besøget vil erhvervs- og konkurrencekraftsministeren have fokus på, hvordan man styrker samarbejdet mellem Danmark og Frankrig inden strategiske og innovative industrier i en verden præget af uro.
Læs mere
Dato 18/06/2026

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 6, 2026:

USA: mergers - merger control
Anthony P. Badaracco
Abstract**:** Examines California's enactment of the California Uniform Antitrust Premerger Notification Act 2026, requiring parties to certain mergers and acquisitions to file Hart-Scott-Rodino Antitrust Improvements Act 1976 pre-merger notifications with the state Attorney General.

United Kingdom: competition - market study
Jordan Bernstein
Abstract**:** Discusses the Competition and Markets Authority's March 2026 market study into private dental services in the UK, looking at the study's scope, including pricing, consumer choice, and anti-competitive practices.

Turkiye: anti-competitive practices - investigation
Dr. Gönenç Gürkaynak, Esq.
Abstract**:** Examines the Turkish Competition Board's decision to accept commitments from Forever Living and terminate its investigation into online sales restrictions and customer foreclosure, noting the Board's approach to passive sales restrictions within vertical relationships and the application of the commitment mechanism.

Spain: anti-competitive practices - infringement
Pedro Callol
Abstract**:** Notes the fines imposed, with a six-month public procurement ban, by Spain's National Markets and Competition Commission on Repsol Comercial de Productos Petrolíferos (now Repsol Soluciones Energeticas), Solred and Campsa Estaciones de Servicio after finding

Spain: anti-competitive practices - infringement
Pedro Callol
Abstract**:** Examines the Spanish National Markets and Competition Commission's (CNMC) monitoring proceedings following its 2023 decision finding Apple and Amazon in breach of Law 15/2007 art.1 and art.101(1) TFEU. Notes the CNMC's October 2025 formal declaration of non-compliance and its competitive consequences.

South Africa: competition - review of recent developments
Wade Graaff

Abstract: Reviews recent regulatory developments in South African competition law, examining draft amendments and guidelines issued by the South African Competition Commission relating to merger notification thresholds and filing fees, minority shareholder protections, pre-merger filing consultation, and divestiture rules arising from market inquiries.

Slovenia: competition - market inquiry
Eva Škufca
Abstract: Examines the Slovenian Competition Protection Agency's sector inquiry into the online food delivery market.

Romania: anti-competitive practices - infringement
Cristina de Jonge
Abstract: Notes the Romanian Competition Council's decision to fine 27 companies for price-fixing in the vehicle maintenance and repair services market, involving both repairers and insurers.

Romania: anti-competitive practices - infringement
Cristina de Jonge
Abstract: Notes the Romanian Competition Council's finding that Thelios SpA and Shades Originators SRL engaged in an anti-competitive agreement restricting online sales of luxury eyewear.

Portugal: competition - Competition Authority recommendations
Cláudia Coutinho da Costa
Abstract: Notes recommendations by the Portuguese Competition Authority to reduce barriers to consumer mobility in retail banking, remove barriers to competition in the railway sector, and promote effective liberalisation of passenger and freight rail transport.

Netherlands: mergers - merger control
Jotte Mulder
Abstract: Note the Dutch Competition Authority's clearance of the proposed acquisition of sole control by US-based IT company Kyndryl over Solvinity, a managed cloud services provider with a significant customer base in the Dutch public sector, finding that there was no significant impediment to effective competition.

Netherlands: mergers - merger control
Jotte Mulder
Abstract: Notes the Dutch Competition Authority's preliminary finding that the proposed acquisition of VolkerWessels by HAL Investments requires a Phase II investigation, owing to concerns over competition in civil engineering tenders and asphalt markets in the Netherlands.

Netherlands: competition - annual report
Jotte Mulder
Abstract: Summarises the Dutch Competition Authority's 2025 Annual Report, covering enforcement trends including competition investigations, merger control activity, vertical restraints in consumer goods markets, and general market studies across several sectors.

Netherlands: consumer protection - investigation
Jotte Mulder
Abstract: Notes the Dutch Competition Authority's (ACM) action against Nestle, Mondelez and JDE Peet's regarding misleading sustainability claims on coffee and cacao product packaging.

Netherlands: mergers - merger control
Jotte Mulder
Abstract: Notes the Dutch Competition Authority's (ACM) investigation into PostNL following the Dutch Trade and Industry Appeals Tribunal (CBb) ruling that ACM had correctly refused merger clearance for PostNL's 2019 acquisition of postal operator Sandd. Considers the ACM's assessment of whether competition rules were infringed and what remedial measures may be required.

Ireland: anti-competitive practices - investigation
Dr Vincent J G Power SC
Abstract: Discusses how the Competition and Consumer Protection Commission investigated a complaint about the Chartered Accountants Ireland requiring trainee accountants to obtain employer consent before interviewing with rival firms.

Canada: anti-competitive practices - judgment (Case Comment)
Kaeleigh Kuzma
Abstract**:** Comments on the Canadian Competition Tribunal decision in Commissioner of Competition v Google Canada Corp dismissing Google's challenge to the constitutionality of the administrative monetary penalty under the civil abuse of dominance provisions of the Competition Act.

The market economy operator test and arbitration agreements (Case Comment)
Aldo Pardi
Abstract**:** Explores the application of the market economy operator test in the context of state aid, examining Dimosia Epicheirisi Ilektrismou AE (DEI) v European Commission (T-639/14 RENV) (GC) on whether an arbitration agreement between a Greek state-controlled electricity producer and its main industrial client constituted the grant of state aid.

The CMA's first interventions under the DMCCA: conduct requirements for Google Search and commitments for mobile platforms
Dr Anush Ganesh
Abstract**:** Comments on the Competition and Markets Authority's (CMA) first interventions under the Digital Markets, Competition and Consumers Act 2024 (DMCCA) with formal conduct requirements targeting Google Search and acceptance of informal commitments from Apple and Google following strategic market status designations.

AI personalised pricing: A structural blind spot in the Draft Joint Guidelines on the interplay between the DMA and the GDPR
Miroslava Marinova
Abstract**:** Examines whether purpose-specific consent under Regulation 2022/1925 art.5(2) adequately addresses algorithmic personalised pricing which, unlike content and advertising personalisation, is not recognised as a distinct consent purpose under the European Commission and European Data Protection Board guidelines.

Article 102 TFEU: comparison with article 101 TFEU, economic efficiency, the criterion of the as efficient competitor; realism, utopia and contradictions
Dr George Karydis
Abstract**:** Examines the role of economic efficiency within EU competition law, focusing on the relationship between TFEU arts 101 and 102 and the treatment of dominant undertakings. Argues that protecting free competition and pluralism in a democratic society should take precedence over consumer welfare.

Editorial: issue 6 (Editorial)
Emiliano Marchisio
Abstract**:** Introduces articles and topics covered by this issue of European Competition Law Review, and reflects on specific points they raise.

Volume 47, issue 7, 2026:

United Kingdom: consumer protection - infringement
Michael Grenfell
Abstract**:** Analyses the Competition and Markets Authority's (CMA) first fine handed down under the Digital Markets, Competition and Consumers Act 2024 to a driving school for not displaying a mandatory booking fee when it quoted the price for driving lessons. Draws five practical lessons for consumer-facing businesses on price transparency and compliance.

Turkiye: anti-competitive practices - infringement
Av. Dr. Gönenç Gürkaynak, Esq.
Abstract**:** Reports on the Turkish Competition Board decision in Adidas Spor Malzemeleri Satis ve Pazarlama A.S. on an administrative monetary fine for resale price maintenance, where Adidas monitored and intervened in authorized dealers' discount practices.
Spain: anti-competitive practices - guidelines
Pedro Callol
Abstract**:** Analyses the CNMC's 2026 Indications for the calculation of competition fines, assessing the revised two-stage methodology, the raised deterrence multiplier, and the first dedicated framework for sanctioning individual directors. Questions whether the statutory ceiling of €60,000 for individual fines is sufficient to generate meaningful deterrence or

to strengthen leniency incentives, and argues that only legislative reform can resolve the residual legal uncertainty inherent in soft law guidance.

South Africa: competition - competition policy and artificial intelligence
Derushka Chetty
Abstract**:** Assesses the South African Competition Commission's contribution to the 9th BRICS International Competition Conference, held in Cape Town in September 2025, against South Africa's nascent regulatory architecture for AI and digital markets. Questions whether South Africa's policy framework can develop at a pace sufficient to give effect to its international competition commitments before the markets in question outpace regulatory capacity.

Portugal: anti-competitive practices - infringement
Bruno de Zêzere Barradas
Abstract**:** Examines the Portuguese Competition Authority's decision fining the association of recruitment firms APESPE for operating a no-poach clause in its Code of Ethics, restricting labour mobility and worker bargaining power in the temporary employment sector.

Portugal: anti-competitive practices - judgment (Case Comment)
Bruno de Zêzere Barradas
Abstract**:** Examines the Portuguese Competition Court's judgment in favour of the Competition Authority's decision to fine three companies which made no-poach agreements with competitors, restricting labour mobility and reducing workers' bargaining power.

Portugal: foreign subsidies regulation - investigation (Commission Decision)
Bruno de Zêzere Barradas
Abstract**:** Examines the European Commission's first conditional clearance decision under Regulation 2022/2560 (Foreign Subsidies Regulation) when a consortium bid to build the Lisbon "Violet" metro line was investigated, a Chinese subcontractor was found to have received distortive foreign subsidies, and the consortium gave commitments to substitute a Polish manufacturer.

Netherlands: competition - market study
Jotte Mulder
Abstract**:** Presents the findings of the Dutch Competition Authority's market study into fixed internet services at lower speed levels, identifying that passive contracts and accumulated annual price increases result in higher effective charges for long-standing customers. Considers the responses of industry stakeholders, who contested the ACM's assessment, and notes the authority's intention to use the findings as a basis for further guidance and monitoring.

Netherlands: competition - survey
Jotte Mulder
Abstract**:** Summarises the Dutch Competition Authority's research findings on barriers to switching and interoperability in cloud services markets, examining business users' experiences under Regulation 2023/2854 (Data Act).

Ireland: mergers - merger control
Dr Vincent J G Power SC
Abstract**:** Considers the Irish Government consultation on raising the turnover thresholds triggering compulsory merger notification to the Competition and Consumer Protection Commission under the Competition Act 2002. Examines the interaction between higher thresholds and the CCPC's call-in power under s.18A.

Ireland: mergers - merger control
Dr Vincent J G Power SC
Abstract**:** Considers the first exercise by the Irish Competition and Consumer Protection Commission of its statutory call-in power, on Uniphar Plc's acquisition of TouchStore Ltd. Reviews the compulsory merger notification thresholds and assesses the implications of call-in for transactional certainty in merger control.

Germany: anti-competitive practices - judgment (Case Comment)
Bianca Grujcic
Abstract**:** Comments on the German judgment in Bundesgerichtshof (KZR 10/25) on a challenge to the enforcement of a standard-essential patent, based on alleged abuse of dominant position and the FRAND defence that the defendant was willing to take a licence on fair, reasonable and non-discriminatory terms.

France: anti-competitive practices - infringement - restrictive business practices
Emmanuel Reille
Abstract**:** Examines the French Competition Authority's decision to fine the association of undertakings Syndicat national des moniteurs du ski francais for imposing exclusivity obligations on ski instructors, preventing them from teaching outside the Ecole du ski francais network between 2006 and 2025. Characterises the clause as a horizontal restriction by object.

France: anti-competitive practices - infringement
Emmanuel Reille
Abstract**:** Analyses the French Competition Authority's decision to fine BTP Sud for abusing its dominant position in the aggregates market in Wallis and Futuna by refusing supply and imposing unjustified price increases on public procurement contracts, as part of a strategy to extract concessions in a separate contractual dispute.

Denmark: anti-competitive practices - judgment (Case Comment)
Jens Munk Plum
Abstract**:** Comments on the Danish Competition Appeals Tribunal's finding that Coloplast Danmark A/S abused its dominant position through margin squeeze in the ostomy products market, examining the Tribunal's application of a brand-specific upstream market definition and the As Efficient Competitor test.

Turkish Competition Board refused to initiate investigation against Trendyol for alleged discriminatory practices
Att. Dr Cihan Doğan
Abstract**:** Considers the Turkish Competition Board's rejection of discriminatory practices allegations against Trendyol, an online marketplace platform. Critically assesses the Board's approach to identifying harm arising from platform discrimination against third-party sellers.

FSR takes shape: what is changing and why it matters
Edurne Navarro Varona
Abstract**:** Traces the development of the European Commission's merger control and public procurement practice under Regulation 2022/2560 (Foreign Subsidies Regulation), focusing on the January 2026 Guidelines, the distortion test, the balancing test, and call-in powers.

Self-preferencing in competition law: Korea's divergence from the EU approach
Yo Sop Choi
Abstract**:** Investigates how South Korea regulates self-preferencing conduct by dominant digital platforms, examines how algorithmic discrimination extends market power into adjacent markets, compares EU law and considers the interplay between competition law enforcement and sector-specific regulatory regimes.

The fine line between coordination and restriction: Increasing prominence of APR models
Mehmet SALAN
Abstract**:** Analyses the Turkish Competition Authority's enforcement approach to territorial restrictions in vertical distribution agreements, focusing on the Area of Primary Responsibility model as a compliant alternative to hardcore restrictions.

Closeness of competition - a necessary not sufficient condition for substantial lessening of competition: Ireland's Q-Park/Tazbell off-street parking merger
Paul K Gorecki
Abstract**:** Examines the application of unilateral effects theories of harm in local markets to a merger between off-street car park operators in Galway. Challenges Ireland's national competition agency for assuming that proximity between merging competitors must lead to an incentive to raise prices.

Editorial: issue 7 (Editorial)
Russell O'Brien
Abstract**:** Introduces articles and topics covered by this issue of European Competition Law Review, and reflects on specific points they raise.

Artikler fra European Competition Journal

Intet nyt.

Artikler fra Journal of Competition Law and Economics

Volume 22, issue 2, 2026

Can Exchanges of Anonymized Disaggregated Data Facilitate Collusion?
Rosa Abrantes-Metz and others
The exchange of information among competitors poses inherent risks to competition. Antitrust guidelines tend to view exchanges of aggregated data, where competitors' identity is kept anonymous, as less likely to facilitate collusion. However, the impact of data aggregation and anonymization on collusion remains relatively underexplored in the economic literature. This paper examines whether exchanging disaggregated data increases the risk of collusion compared with aggregated data exchanges, under the assumption that firms lack full control over production decisions and are subject to random production shocks. Our analysis reveals that exchanging disaggregated data reduces the discount rate necessary for collusion, relative to aggregated data exchanges. Furthermore, data anonymization may not effectively prevent collusion when firms exchange disaggregated data for monitoring purposes. These findings underscore the importance of antitrust guidelines favoring aggregated data exchanges and highlight the limited role of data anonymization in preventing collusion.

Unfair Trading Conditions—the Revival of a Dormant Concept of EU Competition Law
Anne C Witt
Recent years have seen European competition agencies intervene to an unprecedented degree against allegedly unfair trading practices by dominant undertakings on the basis of Article 102(a) TFEU. In view of the almost complete lack of legal precedent, this contribution aims to establish and critically analyse the legal tests used by these agencies for establishing the unfair nature of the conduct. It concludes that the agencies' approaches, while different at first sight, can be understood as applying a general proportionality test. This is a tried and tested principle of EU competition law and intellectually compatible with the test for excessive pricing. In the interest of legal certainty, effectiveness and uniform interpretation at the national level, however, the Commission should issue interpretative guidance on the concept. Other laws that define unfair conduct more precisely may play a meaningful role in this process. The contribution concludes that the sudden (re)discovery of the concept is most likely a consequence of several factors, including the willingness of competition agencies to fill enforcement voids in other areas of law, the complexity of contemporary exclusionary abuse analyses, and an increased willingness to reintegrate policy objectives beyond a narrowly defined consumer welfare aim.

Substantive Modernization in EU Competition Law: An Empirical Comparison
Eun Hye Kim
While existing accounts in competition law have discussed change in relation to the institutional design of enforcement agencies worldwide, the conditions under which substantive competition law evolves have remained underexplored. Concentrating on two distinct reform processes, namely, the gradual opening of traditionally state-owned markets to competition law and the shift towards the 'more-economic approach' (MEA), the article employs modern psychometric scaling techniques to develop two novel measurement instruments that accurately capture change. It offers the first empirically sustained account of the inherently dynamic nature of competition law and the role judicial actors can play in jurisprudential transformation. Statistical findings show that both substantive reforms constituted self-contained processes operating according to opposing logics and driven by diverse factors. Overall, the goal of furthering market integration only took centre stage for sector-specific liberalization, while it played a marginal role for the MEA. The methodological advances made in this article open the prospect of teasing out the hidden dynamics of jurisprudential change as well as the impact contextual factors can have on judicial behaviour.

True Unicorns? Escaping the Article 102 TFEU Prohibition
Małgorzata Kozak and Zlatina Georgieva
This paper examines the scope of exonerations under Article 102 TFEU by analysing the Court of Justice's case law on abuse of dominance since the 1960s and systematizing the applicable legal tests. We first investigate how those tests can be reconciled with an effects-based approach, which entails a full analysis of efficiencies. We then assess whether exonerations should be viewed as substantive grounds in their own right or as procedural rights of defense available to dominant undertakings. Specifically, we ask whether the rights of defense of the undertaking create a (new) substantive exoneration ground or remain a classical procedural right of incriminated dominant companies. This reflection is timely in the light of the shift in case law towards a 'more economic' approach and the Commission's new draft guidelines on exclusionary abuses, which reintroduce presumptions and suggest a more legalistic type of reasoning. These developments prompt the need for a coherent and systematic re-examination of the availability of exonerations under Article 102.

The Consumer Well-Being Standard – Using Capability Economics to Conceptualize the Protection of Consumer Choice in (Digital) Competition Law
Johannes Melchior Blaschczok
The individual's ability to make reasonable choices is a fundamental building block of free societies, both in an economic and in a political sense. It is therefore natural that both European Union (EU) and U.S. competition law increasingly focus on protecting consumers' freedom of choice against restrictions, especially in the context of large digital platforms. The normative strand of welfare economics, which historically gave rise to the consumer welfare standard, usually assumes that preferences are complete and 'exogenous', meaning that they are formed 'before' engaging in the market and are not affected by variables internal to the model. However, many consumer software products, and much of digital content more generally, are 'experience goods'. This implies that informed consumer choice often involves an extended process of trial and error, during which preferences can change. The prevalence of such 'endogenous' preferences, which can lead to intransitivity, causes a tension between an analytical framework based on utilities and the law's goal of protecting consumer choice in digital markets. Nonetheless, an economic conceptualization of this goal is necessary to avoid arbitrary or even self-defeating policies. This article studies the contributions that capability economics can make to conceptualizing and weighing the freedom of consumer choice as a goal of (digital) competition law. It also locates the consumer choice goal within a general taxonomy of competition law's potential goals and shows how the capabilities approach has been formalized. Lastly, the article exemplifies the wider potentials of capability economics as an analytical framework for antitrust.

Artikler fra Journal of Antitrust Enforcement

Intet nyt.

Artikler fra Journal of European Competition Law and Practice

Taking Article 6(12) DMA seriously: FRAND access prices for app stores
Jorge Padilla and Kadambari Prasad
The past 10 years have seen many disputes in a number of jurisdictions relating to competition concerns in app stores. Two issues lie at the heart of these disputes. First, whether consumers and app developers are *de facto* forced to rely upon the app stores of Google (Google Play Store) and Apple (Apple's AppStore). Second, and relatedly, whether these app stores charge app developers unfair and unreasonably high fees for access, which at the moment can be as high as 30 per cent. The EU has attempted to address these issues through the Digital Markets Act (DMA),[1] Article 6(12) of which requires designated gatekeepers (i.e., Apple and Google) to, *inter alia*, unlock alternative distribution channels for app developers, and provide access on terms that are fair, reasonable, and nondiscriminatory (FRAND).
The focus of the gatekeepers' compliance efforts and the Commission's investigations is only the former; the latter, at least according to the gatekeepers, is assumed to hold already. Apple and Google have proposed changes to the access terms for their app stores pursuant to the DMA. Yet Google has not lowered its *ad valorem* commissions, which have been mandatory since 2022,[2] and Apple has lowered its *ad valorem* commissions, but at the same time it has added a per-unit technology fee.[3] It is unclear whether the effective commission paid by app developers to Apple is greater or lower than before and, if the latter, how much lower. Apple's nonconfidential summary of the compliance report does not address its compliance with 6(12). Google's nonconfidential summary of the compliance report asserts that its fees are already FRAND, because they are (i) proportional to the value of its intermediation service, (ii) consistent with FRAND benchmarks, in particular the fees charged by nongatekeepers today (ie the 'competitor benchmark'), and the fees charged prior to gatekeeping status (ie the 'ex-ante benchmark'), and (iii) treat similarly situated developers in the same way.[4]
Dato 19/05/2026

DMA impacts beyond Europe: implications for mobile ecosystems in Brazil
Marcela Mattiuzzo and Clara Duarte Augusto
The Digital Markets Act (DMA) is the first all-encompassing *ex ante* regulatory regime that aims to tackle digital platforms. Because most of the companies and services that fall within the gatekeeper designation put forth in the European regulation operate on a global scale, it is expected that its application will have repercussions extending beyond the European Union (EU) and could, at least to some extent, constitute an example of the Brussels effect (as proposed by Anu Bradford).[1] In that light, this article proposes to take the case of a market segment put forth by Article 2 by the DMA, notably, mobile ecosystems,[2] and the economic agents designated as gatekeepers within that segment.[3] It examines how a jurisdiction in which an *ex ante* regulatory regime has not yet been implemented, but where competition law enforcement is in place, assesses the conduct of these companies. The analysis aims to explore the interaction

between *ex ante* regulation and antitrust enforcement, assessing whether the DMA is effectively contributing to changes in the digital landscape beyond Europe.
Dato 20/05/2026

Invisible deterrence in merger policy: why the prohibition rate says little
Selcukhan Unekbas and others
Merger control is a hot topic. The hot policy question these days is whether merger law is too permissive or too strict. One powerful statistical argument often advanced by the 'too permissive' view is this: most reviewed transactions are cleared, and only a small number give rise to remedies or a prohibition.[1] In the USA, between 2001 and 2020, antitrust authorities received roughly 31,500 merger notifications, scrutinized around 970 in detail, and blocked approximately 300. This represents 0.28 per cent of all USA transactions in the period, and intervention in fewer than one in a thousand. Figures for the European Union (EU) tell a similar story.[2] The implication drawn from these numbers is straightforward: if so few mergers are stopped, enforcement is too permissive.
Dato 20/05/2026

Survey on the Digital Markets Act: 2025, non-compliance and specification proceedings
Alba Ribera Martínez
The European Union's (EU) Digital Markets Act (DMA or the regulation),[1] which entered into force in November 2022, started to apply in March 2023. Its real-life impacts crystallized in the market two years later, due to two fundamental reasons.
First, in 2025, the European Commission (EC) finally issued its first enforcement actions in the form of non-compliance[2] and specification procedures.[3]
The EC sanctioned Meta and Apple for breaches of the regulation's provisions.[4] Under its powers to trigger non-compliance procedures, the European Commission imposed a 200 million and 500 million euro fine on both gatekeepers due to their infringements of Articles 5(2) and 5(4) DMA.[5]
The EC's non-compliance procedure against Meta for its compliance with Article 5(2) DMA manifests the DMA's increasingly evident interplay with other pieces of EU law, notably data protection regulation. As a consequence (or a cause), the EC, jointly with the European Data Protection Board (EDPB), published its draft Joint Guidelines on the interplay between the DMA and the General Data Protection Regulation (GDPR).[6] The regulator's non-compliance procedure against Apple proved that the EC is not completely alone as a public authority in terms of reining in the market power of digital platforms under the assumption of the threat they pose for the competition on (not for) in digital markets. The EC's decision was followed by the Northern District of California's contempt order holding Apple accountable for introducing limitations on the exercise of steering by third-party app developers in the iOS ecosystem, demonstrating the impact of the EC's actions in other jurisdictions.[7]
Dato 04/06/2026

The regulation that cried wolf: generative AI training data and the challenge of lawful scale
Alba Ribera Martínez
Aesop's fable 'The Boy Who Cried Wolf' is well known as a children's tale addressed to show the consequences of lying. The shepherd boy who has repeatedly fooled villagers ends up being eaten by the wolf in the flesh.[1] Modern accounts of the fable suggest that Aesop's fairy tale could be re-designed to incorporate probabilistic risk-regulation: once upon a time, there was a boy who cried 'there's a 5% chance there's a wolf'. No one in the village believed the boy because he was an alarmist.[2]
When designing its industrial strategy for the next decade, the European Union (EU) aimed at making Europe's businesses future-ready.[3] The Digital Services Act,[4] the Digital Markets Act (DMA)[5], the Artificial Intelligence Act (AI)[6] and the Data Act[7] were all proposed by that time. They have all entered into force. The purpose of the EU's strategies in 'Shaping Europe's digital future' and 'The European Data Strategy' was to become a global role model for the digital economy, while developing digital standards and promoting them internationally.[8] And shaped it has. The EU's digital strategy presents a whole trove of intersecting and complex regulations with different objectives that aim to make the EU the powerhouse of data-driven innovation.
Dato 08/06/2026

The European Commission's extraterritorial jurisdiction, the General Court's unlimited jurisdiction with respect to fines, and the end of a very long saga: case C-403/22 P, *SAS Cargo Group and others v Commission*, Case C-367/22 P, *Air Canada v Commission, et al.*
James Killick and Henry Gafsen
Judgments of 26 February 2026, *SAS Cargo Group and Others v Commission*, Case C-403/22 P, EU:C:2026:133; *Air Canada v Commission*, Case C-367/22 P, EU:C:2026:116, et al.

European Court of Justice closes the long-running Air Cargo proceedings and develops the Court's case law on extraterritorial jurisdiction in competition cases and unlimited jurisdiction with respect to fines.
Legal context:
When does the Commission have jurisdiction over conduct outside the EU?
In general, the European Commission does not have jurisdiction over conduct outside of the EEA. The Court of Justice first recognized an exception to that principle in Joined Cases 89/85, 104/85, 114/85, 116/85, 117/85, and 125/85 to 129/85, *Ahlström Osakeyhtiö and Others v Commission,* EU:C:1988:447 ('*Woodpulp*'), which established that the Commission had jurisdiction over extraterritorial conduct that was implemented in the EEA (the implementation test), for example a cartel agreement reached in a third country but concerning goods sold in the EEA. A second test was later established in Case T-109/96, *Gencor v Commission*, EU:T:1999:65. The qualified effects test, which was developed further in *Intel*, establishes that the Commission has jurisdiction over extraterritorial conduct if it has a '*substantial, immediate and foreseeable effect*' within the EEA.
Dato 08/06/2026

Consolidating the legal test for reverse payment settlements as restrictions by object under Article 101(1) TFEU: Case C-2/24 P *Teva and Cephalon*
Camilla Signoretta
The Court of Justice reaffirmed that the terms of a reverse payment settlement constitute a restriction by object where it is evident that they cannot be explained other than as an inducement for the generic undertaking to stay out of the market, without the need for a patent validity or full effects analysis.
Legal context
Last October, the Court of Justice was once again called upon to assess the anticompetitive nature of a reverse payment settlement concluded between Teva and Cephalon under Article 101(1) TFEU. Reverse payment settlements, also known as pay-for-delay agreements, are agreements whereby the originator pharmaceutical company transfers value, either monetary or non-monetary, to a generic manufacturer in exchange for delaying its market entry. Through such arrangements, the originator effectively prolongs *de facto* market exclusivity beyond the expiry of patent protection and manages to avoid judicial scrutiny of the patent's validity.

Refusal to supply and the evolution of the essential facilities doctrine: case C-245/24 *Lukoil*
Daniel Mandrescu
The Court of Justice held that the *Bronner* conditions may apply to publicly funded infrastructure acquired through privatization, provided the dominant undertaking paid a market-conforming price under competitive conditions and retains full decision-making autonomy over access. Where such decision-making autonomy over access is, however, constrained by legislation or contractual arrangements, *Bronner* will not apply. The Court also confirmed that multiple interrelated forms of exclusionary conduct may be assessed as a single abuse under Article 102 TFEU.
Dato 13/06/2026

Information exchange as restriction by effect: the *Price Hunter Case* (Norway)
Ingeborg Maria Gundem
On 20 August 2025, the Norwegian Competition Appeals Tribunal (the 'CAT') delivered its long-awaited decision in the *Price Hunter Case*, upholding the Norwegian Competition Authority's (the 'NCA') finding of an unlawful information-exchange arrangement in the grocery sector.[1] The CAT confirmed record fines totalling approximately EUR 420 million (NOK 4.9 billion) imposed on Norway's three leading grocery retail chains, namely NorgesGruppen, COOP and Rema 1000.
The case is notable as one of the relatively few instances in which an exchange of information has been found to restrict competition *by effect*, rather than *by object*.[2] The information exchange took place through the use of so-called 'price hunters', who systematically collected current, binding in-store prices directly from competing chains' stores. The price collection was conducted on a regular basis and at significant scale. Large volumes of price observations were collected each week, forming a central input to the chains' pricing processes.
Dato 13/06/2026

Training national judges for digital competition law: the DMA, private enforcement, and the infrastructure of judicial capacity
Marco Botta and Niccolò Galli
The EU has adopted a dense digitalization 'acquis', including the Digital Markets Act (DMA), the Digital Services Act (DSA), Data Act, and Artificial Intelligence (AI) Act. Yet these regimes also create a 'judicial' order.[1] National courts review National Competition Authorities' (NCAs) decisions, hear injunction and damages actions, manage disclosure and confidentiality, apply the principles of equivalence and effectiveness, and decide whether to refer questions to the Court

of Justice. In digital markets, national courts also hear claims framed in contract, tort, or unfair competition law; such disputes may be shaped in substance by platform power, DMA obligations, or competition theories of harm.
Digital competition disputes rarely present as clean doctrinal puzzles. They involve ecosystems and network effects, data advantages, switching costs, app-store rules, ranking and recommendation systems, advertising technologies, interoperability, and design choices. They also intensify familiar procedural issues: information asymmetry, protection of trade secrets and personal data, expert evidence, counterfactual reasoning, and quantification of loss. Courts asked to assess abuse, gatekeeper compliance, or traffic-based harm need enough economic and technical literacy to control evidence and provide reviewable reasons.
Dato 13/06/2026

Abuse of dominance under Article 102 TFEU: a survey on 2024 and 2025
Johannes Holzwarth and others
This survey reviews the key developments in the application of Article 102 TFEU in 2024 and 2025. It starts with the developments in the EU case law that have clarified the analytical distinction between pricing and non-pricing exclusionary abuses, notably how this distinction determines the different role of the as efficient competitor ('AEC') concept. Next, the survey highlights enforcement trends, including the renewed focus on exploitative abuses and the increased scrutiny, through the lenses of Article 102 TFEU, of practices aimed at partitioning the internal market. The spotlight is then put on the recognition of certain abuses as restrictions 'by object' and the increasing use of commitment decisions. The survey ends with an overview of ongoing cases and enforcement initiatives, before diving into the policy developments related to Article 102 TFEU, recalling the key aspects of the draft Commission Guidelines on exclusionary abuses,[1] which were widely debated in 2024 and 2025.
Dato 17/06/2026

Competition damages in Europe: comparing national rules on interest and limitation
Magnus Strand and others
When courts set an award for compensation in damages, a central component of that award is the amount of interest that has accrued. The amount of interest to be paid depends mainly on three factors. First, the period of time during which interest accrues. This period will rather universally end when the full amount of compensation is paid, but the point in time when interest begins to accrue varies across jurisdictions. Second, the rate of interest. This rate may be the same during the entire period, but it may also vary. For instance, the rate may vary because it is a function of a rate set by a central bank from time to time, such as the European Central Bank main-refinancing rate, and those central bank interest rates will vary over time. However, the rate may also vary because different statutory rates apply at different intervals of the period during which interest accrues. For instance, a lower compensatory interest rate may apply from the occurrence of harm until the final judgment on compensation in damages, and then a higher default interest rate may apply from the date of the final judgment until full payment has been made. Third, the amount of interest depends on whether interest is awarded as simple interest or as compound interest. Compound interest, sometimes referred to as interest-on-interest, means that accrued interest is added to the amount payable, usually annually, and during the next year interest accrues not only on the principal amount of damages payable but also on the unpaid interest.
Dato 19/06/2026

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

Volume 86, 2026

Can judicial independence restrain corporate fraud? Empirical evidence from Chinese A-share listed firms
Tengjiao He, Yijun Yu, Yufei Zhang, Li Wang
This study investigates whether judicial independence can restrain corporate fraud. We take a unique personnel and financial reform in China's local courts, which shifts the power of financial management and local judge appointment from municipal governments to the provincial level, as a natural experiment. This reform significantly strengthens the judicial independence of the local courts. Collecting data from Chinese A-share listed firms from 2011 to 2021 for empirical analysis, we find that this staggered judicial independence reform significantly restrains corporate fraud. Our mechanism analysis suggests that the judicial independence reform restrains corporate fraud by breaking local judicial protectionism, improving corporate governance, and relaxing financial constraints. This effect is more pronounced for state-owned enterprises, firms with political connections, and firms in poor legal environments. Overall, our research provides new evidence on how judicial independence restrains firm fraud, which provides important policy implications.

Embedded courts under campaign-style enforcement: How top-down reforms reshape conditional justice in China
Chao Ma, Chao-Yo Cheng
Drawing on over 360,000 Chinese court records, we employ a regression-discontinuity-in-time (RDiT) design to examine a top-down reform intended to prevent local governments from pressuring courts to decline administrative litigation cases upon submission. We find that while the total number of cases spiked briefly following the reform, increases in the volume of sensitive land-related disputes have remained stable. Meanwhile, while cases are increasingly dismissed without a formal judgment, plaintiffs who reach trial are significantly more likely to win. Combining quantitative results with qualitative evidence, we argue that Chinese local courts strategically utilize top-down mandates to pursue a subnational separation of powers. Such campaign-style reforms can produce lasting change by allowing the judiciary to gain leverage over the executive branch. While citizens' access to justice remains subject to selective gatekeeping, the continued practice of conditional justice suggests a reduced political embeddedness of local courts.

Spillover effects of foreign takeover restrictions on corporate investment of peer firms: Evidence from CFIUS denials
Vedran Capkun, Francesco Grazioli
The Committee on Foreign Investment in the United States (CFIUS) is a governmental body that can deny regulatory approval of foreign takeovers on national security grounds. We examine whether and how takeover restrictions imposed by CFIUS affect corporate investment of peer firms. We document a sharp increase in CFIUS denials of regulatory approval during the 2008–2019 period in which the Foreign Investment and National Security Act (FINSA) was in place. CFIUS denials are followed by a negative market reaction, a decrease in foreign takeovers, and a reduction in corporate investment across target firms' industry peers. The decreases in corporate investment are more pronounced among peer firms that are financially constrained and that rely more on foreign investments. These findings deepen our understanding of the effects of foreign takeover restrictions on corporate investment of peer firms in the United States.

Hidden ownership in suspicious transactions - experimental evidence on anti-money laundering reporting priorities in Norway
Anne Marthe Bjønness, Ivar Kolstad
Concealing illicit funds through hidden ownership is a well-known money laundering method. This paper analyzes whether non-transparent ownership receives sufficient attention relative to other red flags of money laundering, using a randomized discrete choice experiment of 334 Norwegian anti-money laundering (AML) professionals. The results show that while unknown beneficial ownership increases the odds that a transaction is reported as suspicious, it increases reporting odds by only about half as much as unknown origin of funds. This suggests that although non-transparent ownership is considered a primary red flag of money laundering, and despite the increased attention this issue has received by international policymakers, non-transparent ownership may still receive insufficient attention by AML professionals. Paradoxically, our analysis indicates that industry professionals consider the AML reporting system to be well-functioning as there are no major differences between which transactions respondents say are reported and which transactions should be reported to combat money laundering.

Tax debt collection enforcement: When are collateral tax sanctions effective due to their prompt impact?
Yulia Kuchumova
While the emerging empirical literature shows that collateral tax sanctions (CTSs) – such as driver's license suspensions or passport denials – appear to be effective instruments to enforce tax debt collection, there are still few theoretical arguments to explain why. In this paper, I model enforcement of tax debt collection and provide a new rationale for why it could be efficient to use CTSs in combination with monetary fines. I argue that a CTS influences a debtor immediately after its imposition and affects more strongly those debtors who have higher chances of escaping debt payment, which is in contrast to the monetary fine that is often delayed in payment and non-enforceable. I show that, in a model where debtors might be temporarily income constrained to various degrees, this prompt influence of CTSs may be critical when debtors *differ* in ability to escape debt payment. It is because CTSs help target the punishment toward tax debtors who delay payment to avoid debt, rather than those who delay payment due to limited income. According to the numerical calculations, CTSs are socially optimal if the share of income-constrained tax debtors is not too large or high-income individuals are sufficiently wealthy.

Which is better for distressed firms: Comparison between bankruptcy reorganization and major asset restructuring
Yujun Zhou, Yanjian Zhu, Yifeng Shi
Efficient institutional mechanisms play a pivotal role in guiding distressed firms through crises and preventing bankruptcy—thereby reducing unemployment, mitigating economic downturns, and stabilizing cyclical fluctuations. This paper examines two distinct institutional mechanisms for restoring the operating capabilities of financially distressed firms: one is major asset restructuring, which leverages the resource allocation functions of financial markets, and another is bankruptcy reorganization, which operates within a legal framework designed to balance the interests of diverse stakeholders. Our findings indicate that bankruptcy reorganization outperforms major asset restructuring in restoring the operating capabilities of financially distressed firms. This superior performance likely stems from better ability of bankruptcy reorganization to lower debt financing costs and enhance cash flow. However, some features inherent to bankruptcy reorganization—such as provisions allowing the transfer of shares to ordinary creditors for repaying debt—may hinder a distressed firm's recovery. Further analysis reveals that strategic and bank investors tend to adopt a passive stance during bankruptcy reorganization.

Financial innovation and local governments investment
Maxime Fajeau, Samuel Ligonnière, Alexandre Mayol
Local public investment is a key driver of infrastructure provision and long-term growth. Hence, understanding investment financing choice is paramount. Unlike central governments, most local authorities face a narrow choice between debt and tax funding, subject to fiscal rules and financial market access constraints. To analyze this choice, we transpose Williamson (1988)'s corporate finance framework, which views financing as a governance decision aimed at minimizing transaction costs rather than as market neutral or an agency conflict. In this adaptation to public finance, debt corresponds to rules-based, market governance, while tax funding represents hierarchical, discretionary governance. In stable environments, debt dominates; under instability, the ranking reverses. We test these propositions using France's local public debt crisis that began in 2010, triggered by municipalities' exposure to toxic structured loans. Using a panel of 35,000 municipalities (2000–2018) and a distance-based instrumental-variable strategy, we find that before the crisis, structured loans did not alter investment behavior, but after the crisis, exposed municipalities sharply curtailed investment and re-ranked their financing choices away from borrowing toward higher self-financing. These results highlight the governance nature of local financing decisions and extend Williamson's corporate finance framework to public finance.

Artikler fra Competition Law Journal

Volume 24, issue 4, 2026

Admissibility of economic evidence in competition cases
Cento Veljanovski
Sir Marcus Smith, the past President of the Competition Appeal Tribunal, has criticized the way economists give evidence in competition cases. Namely, economists do not understand and adhere to the rules of evidence, and their use of statistical evidence differs from how lawyers and judges think about evidence. This article responds to these claims from the perspective of an economist expert witness and shows that the 'interplanetary divide' between lawyers and economists is not as stark as portrayed, but that there have emerged serious concerns about the way economists have given evidence in competition damages cases.

Finding the right balance between the presumption of innocence and presumptions in EU competition law
Murat Balcı and Muhammet Emirhan Havan
The presumption of innocence is one of the principal tenets of the rule of law. Its application in competition law is, nevertheless, controversial. This controversy emerges from the utilization of presumptions by the European Commission to substantiate the suspected undertaking's alleged infringements of competition law. The Commission's draft Guidelines on the application of Article 102 TFEU to abusive exclusionary conduct by dominant undertakings fail to provide a satisfactory solution. This article considers how this controversy may be mitigated through an appropriate derogation regime for deviations from the principle of the presumption of innocence in competition law. It places particular emphasis on a proportionality step, as the proportionality principle is overlooked in the Court of Justice's case-law, especially in terms of the Commission's ability to rely on presumptions to establish an infringement and the undertaking's ability to effectively rebut them. It proposes the use of a 'dynamic proportionality' step, in which the Commission's ability to apply presumptions and undertakings' ability to rebut those presumptions can be justified by adjusting the financial sanctions imposed by the Commission to reflect the extent to which the Commission has proved an infringement without relying on presumptions.

The Digital Markets, Competition and Consumers Act 2024: the CMA's new direct consumer enforcement powers and early enforcement priorities
Claire Livingstone
The Digital Markets, Competition and Consumers Act 2024 represents a transformative development in the UK's consumer protection landscape. This article explores the changes introduced by this Act, with particular focus on the new direct enforcement powers granted to the Competition and Markets Authority.

Voluntary redress in UK competition enforcement: from failure to the future
Nicole Kar, Richard Hornshaw and Leo Kitchen
Introduced by the Consumer Rights Act 2015, the UK voluntary redress regime for competition law infringements was intended to complement public enforcement and private litigation in delivering compensation to consumers and small- and medium-sized enterprises. A decade on, the statutory scheme has not ever been used. This article argues that this failure reflects misaligned incentives between investigated parties, the regulator and claimants, as well as an overly burdensome process, rather than a lack of need. While opt-out collective actions have expanded rapidly – the President of the Competition Appeal Tribunal has reported that there are currently over £150 billion worth of collective claims pending before the Tribunal – their cost, duration and low take-up rates where damages have been awarded limit their effectiveness as a universal redress mechanism. Drawing on case law, settlement experience and regulatory analogies, this article proposes reforms to incentives, processes and the powers of the Competition and Markets Authority that would enable voluntary redress to operate as a meaningful third pillar of competition enforcement.

Artikler fra European Competition and Regulatory Law Review

Intet nyt.

Artikler fra Communications Law

Volume 31, issue 2, 2026

First High Court SLAPP decision
Abstract**:** Reports on Kamal v Tax Policy Associates Ltd (KBD), the first decision addressing the anti-SLAPP rules under the Economic Crime and Corporate Transparency Act 2023. Considers the striking out of a barrister's libel and malicious falsehood claims, the declaration that the proceedings were a statutory SLAPP, and the grant of summary judgment for the defendants on the basis of honest opinion.

Injunction and consumer reviews
Abstract**:** Reports on CF&L Ltd v Fraser (KBD) on whether a company could obtain injunctive relief in libel and harassment to prevent or remove negative online consumer reviews prior to trial.

Contempt and court photographs
Abstract**:** Reports on Secretary of State for Business and Trade v Pettigrew (SAC) upholding the sheriff's finding of contempt arising from photographing witnesses inside the court building, disseminating them on social media and reposting them with added comments, in breach of a prohibition posted publicly on court premises.

Programme contributors, response material and defamatory meaning

Abstract: Examines Bruce v High Speed Two (HS2) Ltd (KBD) on whether materials used in a television documentary programme were libellous, taking into account the single natural and ordinary meaning of the programme as a whole, including allegedly defamatory statements contained in the defendant's response material.

When less is less: platform deregulation and the erosion of communicative freedom
Mike Gregory
Abstract: Examines the impact of platform deregulation on the US First Amendment's historical purpose. Explains how deregulation shields platforms while exposing users to harassment, silencing and exclusion. Proposes a two-tier model for reforming platform governance.

Prior restraints in South African courts - recent developments
Dario Milo and Kuhle Mavuso
Abstract: Considers South African case law which illustrates the challenges to investigative journalism posed by prior restraint cases and protection order applications. Comments on steps being taken in several jurisdictions to address actions which amount to Strategic Lawsuits Against Public Participation.

Artikler fra Computer and Telecommunications Law Review

Volume 32, issue 4, 2026

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

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.

Parallel importation of copyright products under the Copyright Law in Thailand: the proposed changes in the light of ASEAN Economic Community
Dr Noppanun Supasiripongchai
Abstract: Discusses whether the Thai copyright statute should be amended to clarify that exhaustion of rights applies on a regional basis, rather than national or international, in the ASEAN Economic Community.

AB v Google LLC - Quebec IT Framework Act decision impact on search engines (Case Comment)
Barry Sookman
Abstract: Comments on the Quebec Court of Appeal judgment in AB v Google LLC on a search engine's liability as an intermediary for providing links to defamatory allegations and refusing to take down the links after the victim complained and the search engine acquired knowledge that the content was unlawful.

The convergence of technology and corporate governance in the digital age
Tochukwu Onyiuke
Abstract: Discusses the opportunities and risks of integrating artificial intelligence, blockchain and big data into corporate governance processes, and the response of regulatory frameworks to the challenges of the new technology.

The banality of automation: how ordinary administrative AI potentially threatens extraordinary rights
Professor Andy Phippen
Abstract: Discusses the risks to human rights in adult social care if artificial intelligence is routinely used to transcribe interviews and draft capacity assessments relied on in court proceedings, and human oversight gradually becomes a formality.

Artikler fra Global Competition Litigation Review

Volume 19, issue 2, 2026

US Court of Appeal finds mass arbitration clause in antitrust matters unconscionable (Case Comment)
Dr Gordon Blanke
Abstract**:** Comments on the US 9th Circuit judgment in Heckman v Live Nation Entertainment Inc, upheld by the Supreme Court, on contracts for consumers purchasing event tickets online, and the unenforceability of a mass arbitration clause in relation to competition law claims.

Ireland: litigation procedure - pleadings and submissions - artificial intelligence ("AI") - use of artificial intelligence in preparing court submissions (Case Comment)
Dr Vincent J.G. Power SC
Abstract**:** Considers the Irish Court of Appeal ruling in Guerin v O'Doherty, establishing principles of general application on the duties of litigants using artificial intelligence to prepare court submissions. Explores the relevance to competition litigation, instructions to experts, and regulatory proceedings.

Ireland: competition - litigation - procedure - expert witness in a long-running trial becomes unavailable due to illness and the trial is at an advanced stage (Case Comment)
Dr Vincent J.G. Power SC
Abstract**:** Considers the Irish High Court ruling in ER Travel Ltd v Dublin Airport Authority on whether to adjourn to permit instruction of a replacement expert witness. Examines the court's five factors, balancing prejudice to the plaintiff against case-management considerations favouring expeditious conclusion.

Interim injunctions in refusal to supply cases: lessons from Sportsdirect and Eurospares (Case Comment)
Annabel Elliott
Abstract**:** Discusses the Competition Appeal Tribunal's approach to granting interim mandatory injunctions in two recent refusal to supply cases. Applies the American Cyanamid principles, addressing the serious issue to be tried threshold, adequacy of damages, cross-undertakings, and balance of convenience, with particular attention to the significance of existing supply arrangements and the status quo in selective distribution contexts.

Blockchain forks through the lens of Article 101 TFEU
Kirill A. Ryabtsev
Abstract**:** Examines the application of TFEU art.101 to collusive practices involving blockchain hard forks, analysing the structural tension between the decentralised, pseudo-anonymous architecture of public permissionless blockchain networks and the requirements of EU competition law. Considers the regulatory challenges posed by the "code is law" ideology and the enforcement gap arising from the absence of identifiable actors in fork-based coordination.

As the dust settles: lessons learned from the initial settlements under the collective proceedings regime in the Competition Appeal Tribunal
Adam Bradley
Abstract**:** Examines the legal framework governing collective settlement approval orders (CSAOs) in opt-out collective proceedings under the Competition Act 1998 ss.49A and 49B. Reviews the Competition Appeal Tribunal's approach to assessing CSAOs in orders made to date.

The Melia Hotels International, S.A. ruling of the Court of Justice of the European Union: An important boost for the private enforcement of EU competition law
Francesco Rizzuto
Abstract**:** Analyses Melia Hotels International SA v Associacao Ius Omnibus (C-286/24) (ECJ) on the standard of proof for pre-action disclosure requests in competition damages actions. Considers the evidential value of non-cartel and settlement decisions of public enforcers, and examines the implications of the principle of effectiveness for national civil procedure rules governing pre-action disclosure.

Artikler fra Market and Competition Law Review

Intet nyt.

Andre udenlandske artikler

Intet nyt.

5 | NYT FRA KONKURRENCEGRUPPEN

Reserver kalenderen: Event om fusionskontrol den 16. september kl. 13.00–16.30

Copenhagen Competition Law Lab inviterer til eventen *Something Old, Something New, Something Pending Appeal: Theories of Harm in EU Merger Review* den 16. september.

Med udgangspunkt i EU-Kommissionens udkast til nye retningslinjer for bedømmelsen af fusioner vil vi diskutere skadesteorier i fusionskontrol samt den juridiske standard for at fastslå og anvende disse teorier.
Eventen afholdes i hybridformat med mulighed for både fysisk og online deltagelse. Der kan udstedes deltagerbevis.

Læs mere og tilmeld dig her: https://event.it/cbslaw/ufk3q1