Konkurrenceretlig Nyhedsoversigt nr. 113 / dækkende 23. juni 2026 – 21. juli 2026

Indhold

1 | DANSK RET

Nyt fra Konkurrence- og Forbrugerstyrelsen

Himmerlands og Ticans etablering af et joint venture er godkendt
Konkurrence- og Forbrugerstyrelsen modtog den 21. maj 2026 en anmeldelse af oprettelsen af et joint venture mellem Himmerlands Food Group ApS og Tican Fresh Meat A/S. Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 22/06/2026

InstallatørGruppens overtagelse af Erik Lytzen er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 23/06/2026

Metas overtrædelse af P2B-forordningen
Konkurrencerådet har afgjort, at Meta, der ejer Facebook, ulovligt har behandlet en dansk tøjbutik uretfærdigt. Det sociale medie var en væsentlig markedsførings- og salgskanal for virksomheden, men da dens profil blev hacket, reagerede Meta ikke på tøjbutikkens ønske om at få genåbnet sin Facebook-side på trods af henvendelser til Meta fra butikkens advokat og politiet.
Læs mere
Dato: 24/06/2026

Scandlines' prissætning af personbilsbilletter på Rødby-Puttgarden
Konkurrencerådet har afgjort, at Scandlines har overtrådt konkurrenceloven ved at kræve urimeligt høje billetpriser for personbiler på færgeforbindelsen mellem Rødby og Puttgarden. Scandlines har dermed misbrugt sin dominerende stilling på færgeforbindelsen. Indtil Femern Bælt-forbindelsen åbner, skal Scandlines årligt indsende dokumentation for, at priserne for overfarten ikke er urimeligt høje.
Læs mere
Dato: 24/06/2026

Afgørelse om Jobteam A/S' obstruktion af kontrolundersøgelse
Konkurrence- og Forbrugerstyrelsen (herefter "styrelsen") træffer hermed afgørelse om, at Jobteam A/S (herefter "Jobteam") har modsat sig en kontrolundersøgelse efter konkurrencelovens § 18 ved at have slettet oplysninger omfattet af kontrolundersøgelsens genstand, mens kontrolundersøgelsen var i gang.
Læs mere
Dato: 25/06/2026

AP Pension og Holmsøs etablering af et joint venture vedrørende et boligudlejningsprojekt i Randers er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 25/06/2026

ISS' overtagelse af Tomagruppen er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato 26/06/2026

Aalborg Portland Holding A/S' erhvervelse af enekontrol over Nymølle Stenindustrier A/S er godkendt

Konkurrence- og Forbrugerstyrelsen modtog den 29. maj 2026 en anmeldelse af en fusion mellem Aalborg Portland Holding A/S og Nymølle Stenindustrier A/S. Konkurrence- og Forbrugerstyrelsen godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 26/06/2026

Afgørelse om Brødr. Ewers A/S' overtrædelse af konkurrencelovens regler om fusionskontrol
Konkurrence- og Forbrugerstyrelsen (herefter "styrelsen") træffer hermed afgørelse om, at Brødr. Ewers A/S har overtrådt reglerne om fusionskontrol i konkurrencelovens § 12 b, stk. 1, og § 12 c, stk. 5, 1. pkt., idet Brødr. Ewers A/S har erhvervet enekontrol over Hjaltelin ApS og Hjaltelin Pakhus ApS (herefter samlet "Hjaltelin"), uden at fusionen forinden var anmeldt til og godkendt af styrelsen.
Læs mere
Dato: 29/06/2026

Nic Christiansen Gruppens erhvervelse af Autohuset Vestergaard er godkendt
Konkurrence- og Forbrugerstyrelsen modtog den 16. juni 2026 en almindelig anmeldelse af en fusion, hvorved NCG Retail A/S erhverver enekontrol over Autohuset Vestergaard Lastvogne Holding A/S og Autohuset Vestergaard Invest ApS. Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 30/06/2026

Erhvervsinvests overtagelse af Them Andelsmejeri er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 06/07/2026

Roesgaard Godkendt Revisionsaktieselskabs overtagelse af Deloittes aktiver og aktiviteter vedrørende revisions- og skatterådgivnings-ydelser til små og mellemstore virksomheder i Danmark er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 07/07/2026

Nielsen Car Groups erhvervelse af en række autoriserede bilforhandlere og -værksteder er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt Nielsen Car Groups erhvervelse af hele eller dele af Via Biler, Frimann Hansen Automobiler, Karvil Biler, Gunner Due Biler, Jørgen Olsen Automobiler.
Læs mere
Dato: 07/07/2026

Brødrene A. & O. Johansen erhvervelse af enekontrol over JMV Cables er godkendt
Konkurrence- og Forbrugerstyrelsen modtog den 29. juni 2026 en anmeldelse af Brødrene A. & O. Johansen A/S' erhvervelse af enekontrol over JMV Cables A/S og JMV Cables AB. Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 08/07/2026

Capideas overtagelse af Descom er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 09/07/2026

Pinerock Groups ønske om at overtage Hovedstadens Bygningsentreprise er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Læs mere
Dato: 16/07/2026

Nyt fra Konkurrencerådet

Intet nyt.

Nyt fra Konkurrenceankenævnet

Intet nyt.

Nyt fra domstolene

Civilretlige afgørelser

Intet nyt.

Straffesager

Sø- og Handelsretten: Karup Varmeværk mod Konkurrence- og Forbrugerstyrelsen - indgået retsforlig
Sagen er en del af mFRR-komplekset, og det indgåede retsforlig er baseret på Sø- og Handelsrettens domme i prøvesagerne, som kan findes via ankehistorikken i bunden.
Læs mere
Dato: 19/06/2026

Sø- og Handelsretten: Bredsten-Balle Kraftvarmeværk amba mod Konkurrence- og Forbrugerstyrelsen - indgået retsforlig
Sagen er en del af mFRR-komplekset, og det indgåede retsforlig er baseret på Sø- og Handelsrettens domme i prøvesagerne, som kan findes via ankehistorikken i bunden.
Læs mere
Dato: 19/06/2026

Sø- og Handelsretten: Brørup Fjernvarme A M B A mod Konkurrence- og Forbrugerstyrelsen - indgået retsforlig
Sagen er en del af mFRR-komplekset, og det indgåede retsforlig er baseret på Sø- og Handelsrettens domme i prøvesagerne, som kan findes via ankehistorikken i bunden.
Læs mere
Dato: 19/06/2026

Sø- og Handelsretten: Egtved Varmeværk A.M.B.A. mod Konkurrence- og Forbrugerstyrelsen - indgået retsforlig
Sagen er en del af mFRR-komplekset, og det indgåede retsforlig er baseret på Sø- og Handelsrettens domme i prøvesagerne, som kan findes via ankehistorikken i bunden.
Læs mere
Dato: 19/06/2026

Elsam(Ørsted)-sagen: Ingen dokumenteret misbrug af dominerende stilling gennem urimelige elpriser
Elsam (nu Ørsted) var i en periode i 2003 - 2006 en dominerende aktør på markedet for engrossalg af fysisk el i Vestdanmark. Sagsøgerne – som var både elhandelsselskaber og slutbrugere - havde ikke bevist, at Elsam havde misbrugt denne dominerende stilling til at opnå urimelige priser på el. Elsam blev derfor frifundet for påstanden om at have overtrådt de konkurrenceretlige regler.
Læs mere
Dato: 25/06/2026

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 opens investigation into possible anticompetitive conduct by Sanofi regarding the promotion of a flu vaccine for vulnerable patients
Commission opens investigation into possible anticompetitive conduct by Sanofi regarding the promotion of a flu vaccine for vulnerable patients
Læs mere
Dato: 26/06/2026

Commission calls on the Netherlands to improve competition for international rail passenger services
The European Commission has informed the Netherlands that the rules for the allocation of capacity on the Dutch main railway network may be in breach of EU antitrust rules.
Læs mere
Dato: 26/06/2026

Commission opens antitrust investigation into Align Technology's conduct regarding Invisalign clear aligners and intra-oral scanners
The European Commission has opened a formal antitrust investigation to assess whether Align Technology has breached EU competition rules by tying its intra-oral scanners to its dental clear aligners branded as Invisalign in the European Economic Area ('EEA').
Læs mere
Dato 30/06/2026

Commission seeks feedback on commitments offered by Sanofi over possible anticompetitive conduct regarding the promotion of a flu vaccine for vulnerable patients
The European Commission invites comments on commitments offered by Sanofi to address competition concerns regarding a communication campaign that has possibly disparaged the only rival flu vaccine recommended for vulnerable patients with risk factors.
Læs mere
Dato: 08/07/2026

Commission accepts binding commitments by SAP to address competition concerns about services for its popular business management software*
Commission accepts binding commitments by SAP to address competition concerns about services for its popular business management software*
Læs mere
Dato: 09/07/2026

Commission sends Statements of Objections to several companies and trade associations in suspected construction chemicals cartel
The European Commission has informed several manufacturers of construction chemicals active in France, Germany and Spain as well as three national trade associations, of its preliminary view that they have breached EU antitrust rules by colluding to increase prices in the supply of chemicals for...
Læs mere
Dato: 20/07/2026

Mergers

Commission approves Baker Hughes' acquisition of Chart Industries, subject to conditions
Commission approves Baker Hughes' acquisition of Chart Industries, subject to conditions

Læs mere
Dato: 10/07/2026

Commission opens formal investigation into possible gun jumping in XXXLutz's acquisition of Porta
Commission opens formal investigation into possible gun jumping in XXXLutz's acquisition of Porta
Læs mere
Dato: 10/07/2026
State Aid

Commission approves €76 million German State aid for first-of-a-kind semiconductor testing equipment facility
Commission approves €76 million German State aid for first-of-a-kind semiconductor testing equipment facility
Læs mere
Dato: 23/06/2026

Commission approves State aid for Romania's investment and development bank
Commission approves State aid for Romania's investment and development bank
Læs mere
Dato: 26/06/2026

Commission approves €402 million Spanish State aid for road transport companies facing increased fuel prices
The European Commission has approved a €402 million Spanish State aid scheme to support road transport companies facing increased fuel prices due to the Middle East crisis.
Læs mere
Dato: 29/06/2026

Commission approves French State aid to support offshore wind energy
Commission approves French State aid to support offshore wind energy
Læs mere
Dato: 13/07/2026

Commission approves €2 billion Hungarian capital injection into development bank Magyar Fejlesztési Bank
Commission approves €2 billion Hungarian capital injection into development bank Magyar Fejlesztési Bank
Læs mere
Dato: 13/07/2023

Commission approves €659 million German State aid for four new semiconductor facilities
The European Commission has approved €659 million in German State aid to support the establishment of four first-of-a-kind facilities in the semiconductor value chain.
Læs mere
Dato: 14/07/2026

Commission approves €300 million Irish State aid scheme for temporary electricity price relief for energy-intensive companies
The European Commission has approved a €300 million Irish scheme to provide temporary electricity price relief for energy-intensive companies in line with the objectives of the Clean Industrial Deal.
Læs mere
Dato: 16/07/2026

Commission approves €41 million Greek State aid for agricultural companies facing increased fertiliser prices
The European Commission has approved a €41 million Greek aid scheme to support agricultural companies facing increased fertiliser prices due to the Middle East crisis. The scheme was approved under the Middle East Crisis Temporary State Aid Framework adopted by the Commission on 29 April 2026.
Læs mere
Dato: 16/07/2026

Commission approves Czech capacity mechanism under Clean Industrial Deal State Aid Framework
The European Commission has approved, under EU State aid rules, Czechia's market-wide capacity mechanism. The measure aims to ensure there is sufficient capacity to produce or store electricity, or to reduce electricity consumption so that production meets demand in the long term.

Læs mere
Dato: 16/07/2026

Andet

Commission reaches preliminary position that Amazon's and Microsoft's market leading cloud services should be designated under the DMA
The Commission has informed Amazon and Microsoft of its preliminary view that they should be designated as gatekeepers under the DMA for their cloud computing services, Amazon Web Services (AWS) and Microsoft Azure (Azure) respectively.
Læs mere
Dato:25/06/2026

Commission hosted workshop with partner countries to discuss regulation of digital markets
DG CONNECT, DG COMP and DG ENEST hosted representatives from partner countries in the framework of a Technical Assistance and Information Exchange (TAIEX) workshop to present the ongoing work on the DMA.
Læs mere
Dato: 26/06/2026

Commission hosted a stakeholder roundtable on cloud computing services under the Digital Markets Act
Today, the European Commission hosted a stakeholder roundtable as part of its ongoing market investigation into cloud computing services under Article 19 of the Digital Markets Act (DMA).
Læs mere
Dato: 01/07/2026

Commission provides guidance to Google for AI interoperability on Android and sharing of Google Search data under the Digital Markets Act
Commission provides guidance to Google for AI interoperability on Android and sharing of Google Search data under the DMA
Læs mere
Dato: 16/07/2026

Nyt fra EU-domstolen

Domme

C-360/25 - **Schoger II**

Nøgleord:

» Præjudiciel forelæggelse – statsstøtte – artikel 107, stk. 1, TEUF – merværdiafgift – fritagelse for ydelser, der leveres mellem virksomheder, som hovedsageligt udfører transaktioner inden for bank-, forsikrings- eller pensionskassesektoren – formaliteten vedrørende anmodningen om præjudiciel afgørelse – begrebet »støtte« – fordel – selektivitet – anmodning om begrænsning af dommens tidsmæssige virkninger «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 107 TEUF.
Anmodningen er blevet indgivet i forbindelse med en tvist mellem ***X***, et østrigsk selskab, og Finanzamt für Großbetriebe (skatte- og afgiftsmyndigheden for store virksomheder, Østrig) (herefter »skatte- og afgiftsmyndigheden«) vedrørende ansættelser af merværdiafgift (moms) modtaget af ***X*** for perioden fra 2013 til 2017 (herefter »den omtvistede afgiftsperiode«).

Dom:

På grundlag af disse præmisser kender Domstolen (Første Afdeling) for ret:
Artikel 107, stk. 1, TEUF skal fortolkes således, at en fritagelse for merværdiafgift for ydelser, der ikke i øvrigt er fritaget for afgifter, og som leveres mellem virksomheder, som overvejende udfører bank-, forsikrings- eller pensionskassetransaktioner, udgør statsstøtte som omhandlet i denne bestemmelse.

Læs mere
Dato: 09/07/2026

C-424/24 **- FIGC og CONI**

Nøgleord:
» Præjudiciel forelæggelse – disciplinære sanktioner på sportsområdet – midlertidigt forbud mod at udøve visse former for erhvervsmæssig virksomhed, som et nationalt idrætsforbund har pålagt to ledere af en professionel fodboldklub – overtrædelse bestående i at afgive eller godkende falske finansielle og regnskabsmæssige erklæringer – det indre marked – artikel 45 TEUF og 56 TEUF – hindring af arbejdskraftens frie bevægelighed og den frie udveksling af tjenesteydelser – berettigelse – legitimt formål af almen interesse – regelmæssighed i sportslige turneringer – overholdelse af proportionalitetsprincippet – fastsættelse af sanktioner – tilstedeværelsen af gennemsigtige, objektive, ikke-diskriminerende, forholdsmæssige og kontrollerbare kriterier – artikel 19, stk. 1, andet afsnit, TEU – effektiv domstolsbeskyttelse – artikel 47 i Den Europæiske Unions charter om grundlæggende rettigheder – ret til effektive retsmidler – eksistensen af en effektiv domstolsprøvelse – national lovgivning, der giver den kompetente retsinstans, der skal foretage en indirekte efterprøvelse af disse sanktioners lovlighed, mulighed for at tilkende de sanktionerede personer erstatning, men ikke for at annullere eller suspendere de pågældende sanktioner «

Tvist:

Anmodningerne om præjudiciel afgørelse vedrører fortolkningen af artikel 6 TEU og 19 TEU, artikel 45 TEUF, 49 TEUF, 56 TEUF, 101 TEUF og 102 TEUF samt artikel 47-49 i Den Europæiske Unions charter om grundlæggende rettigheder (herefter »chartret«).
Anmodningerne er blevet indgivet i forbindelse med to tvister, den første mellem ZD og Federazione Italiana Giuoco Calcio (det italienske fodboldforbund) (FIGC), Comitato Olimpico Nazionale Italiano (den italienske nationale olympiske komité) (CONI), Procura Federale Presso La Federazione Italiana Giuoco Calcio (forbundets anklagemyndighed under FIGC, Italien, herefter »forbundets anklagemyndighed«), Collegio di Garanzia della Sport presso il Comitato Olimpico Nazionale Italiano (sportsgarantiretten under CONI, Italien, herefter »sportsgarantiretten«) og Corte Federale d'appello presso la Federazione Italiana Giuoco Calcio (forbundets appeldomstol under FIGC, Italien, herefter »forbundets appeldomstol«) og den anden mellem MI og FIGC samt CONI, vedrørende afgørelser, hvorved forbundets appeldomstol pålagde ZD og MI en sanktion i form af et midlertidigt forbud mod at udøve erhvervsmæssig virksomhed inden for FIGC.

Dom:

På grundlag af disse præmisser kender Domstolen (Femte Afdeling) for ret:
Artikel 45 TEUF og 56 TEUF skal fortolkes således, at disse bestemmelser ikke er til hinder for en national lovgivning, som denne fortolkes af de kompetente nationale domstole, som gør det muligt for et nationalt idrætsforbund, henset til den retlige autonomi, som dette forbund har fået tillagt i henhold til national ret, at pålægge sportsledere en sanktion, der består i et midlertidigt forbud mod at udøve erhvervsmæssig virksomhed, der henhører under dette forbunds kompetence, på grund af falske finansielle og regnskabsmæssige erklæringer, der er afgivet i strid med loyalitetsprincippet, rimelighedsprincippet og princippet om redelighed, som disse sportsledere skal overholde i henhold til det regelsæt, som det nævnte forbund har kompetence til at anvende, forudsat at vedtagelsen af bestemmelser, der gør det muligt for samme forbund at pålægge en sådan sanktion, forfølger et eller flere legitime formål af almen interesse, der er forenelige med EUF-traktaten, og som ikke er rent økonomiske, og disse bestemmelser overholder proportionalitetsprincippet, hvilket indebærer, at de er egnede til at sikre gennemførelsen af dette eller disse mål på en sammenhængende og systematisk måde, og at fastlæggelsen af de sanktioner, som de fastsætter, i hvert enkelt tilfælde undergives kriterier, der er gennemsigtige, objektive og ikke-diskriminerende, og som gør det muligt at tage hensyn til samtlige relevante omstændigheder samt kan gøres til genstand for en effektiv domstolsprøvelse.
Artikel 19, stk. 1, andet afsnit, TEU, sammenholdt med artikel 47 i Den Europæiske Unions charter om grundlæggende rettigheder, skal fortolkes således, at denne bestemmelse ikke er til hinder for en national lovgivning, som denne fortolkes af de kompetente nationale domstole, der begrænser de beføjelser, som den nationale domstol, der »efter behandling i alle instanser i det sportsretlige system« skal prøve en sanktion pålagt af et nationalt idrætsforbund, råder over, til den beføjelse, der består i at tilkende erstatning, når den finder, at denne sanktion er ulovlig, med udelukkelse af beføjelserne til dels at anordne foreløbige forholdsregler, indtil der er truffet afgørelse om sagens realitet, dels at annullere den nævnte sanktion og bringe dens virkninger til ophør, forudsat at i det mindste det organ, der henhører under dette »nationale sportsretlige system«, og som træffer afgørelse i sidste instans udgør en »domstol« i EU-rettens forstand og opfylder de påkrævede garantier for uafhængighed og upartiskhed orudgående er oprettet ved lov, i sin eksistens, sammensætning og organisation udøver en dømmende rolle følger en procedure, der giver de nødvendige

garantier, navnlig med hensyn til overholdelse af retten til forsvar og overholdelse af kontradiktionsprincippet, og er i stand til på forhånd at foretage en effektiv domstolsprøvelse af samme sanktion.
Læs mere
Dato: 16/07/2026

C-242/24 P - **Kommissionen mod Tyskland (Aides à la cogénération)**

Nøgleord:

» Appel – statsstøtte – sektoren for den kombinerede produktion af varme og elektricitet – ændring af støtteordningen for kraftvarmeproduktion – afgørelse fra Europa-Kommissionen, der erklærer en støtte forenelig med det indre marked – statsstøttebegrebet – foranstaltninger indrømmet ved hjælp af statsmidler – betingelse om et obligatorisk bidrag «

Tvist:

Med appellen har Europa-Kommissionen nedlagt påstand om ophævelse af Den Europæiske Unions Rets dom af 24. januar 2024, Tyskland mod Kommissionen (T-409/21, herefter »den appellerede dom«, EU:T:2024:34), hvorved Retten annullerede Kommissionens afgørelse C(2021) 3918 final af 3. juni 2021 om statsstøtte SA.56826 (2020/N) – Tyskland – reform i 2020 af støtteordningen for kraftvarmeproduktion og om statsstøtte SA.53308 (2019/N) – Tyskland – ændring af støtteordningen for eksisterende kraftvarmeværker (§ 13 i Gesetz zur Neuregelung des Kraft-Wärme-Kopplungsgesetzes (lov om reform af lov om kraftvarmeproduktion) af 21.12.2015 (BGBl. 2015 I, s. 2498, herefter »KWKG af 2016«)) (herefter »den omtvistede afgørelse«), hvorved denne institution konstaterede, at en række foranstaltninger (herefter »de omtvistede foranstaltninger«), som har til formål at støtte produktionen af elektricitet på kraftvarmeværker (combined heat and power, herefter »CHP«), udgør statsstøtte.

Dom:

På grundlag af disse præmisser udtaler og bestemmer Domstolen (Fjerde Afdeling):
Appellen forkastes.
Europa-Kommissionen bærer sine egne omkostninger og betaler de af Forbundsrepublikken Tyskland afholdte omkostninger i forbindelse med appellen.
Læs mere
Dato: 09/07/2026

C-428/23 - **ROGON m.fl.**

Nøgleord:

» Præjudiciel forelæggelse – det indre marked – konkurrence – professionel fodbold – artikel 101, stk. 1, TEUF – forbud mod karteller – et nationalt fodboldforbunds regelsæt – køb af tjenesteydelser hos tredjemand i forhold til dette forbund – spilleragentvirksomhed – konkurrencebegrænsende formål eller virkning – undtagelse til forbuddet i artikel 101, stk. 1, TEUF – rækkevidde – formål, der forfølges med dette regelsæt – berettigelse – betingelser – forfølgelse af legitime mål af almen interesse – nødvendighed – proportionalitet «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 101, stk. 1, TEUF.
Anmodningen er blevet fremsat i forbindelse med en tvist mellem på den ene side ROGON GmbH & Co. KG, MVI Management GmbH og DC og på den anden side Deutscher Fußball-Bund eV (DFB), der er det tyske fodboldforbund (herefter »DFB«), vedrørende lovligheden af dette regelsæt, der er vedtaget af dette sidstnævnte på området for spilleragentvirksomhed.

Dom:

På grundlag af disse præmisser kender Domstolen (Femte Afdeling) for ret:
Artikel 101, stk. 1, TEUF skal fortolkes således, at den undtagelse fra anvendelsen af denne bestemmelse på konkurrencebegrænsninger, der forfølger et legitimt formål af almen interesse, som Domstolen fastslog i dom af 19. februar 2002, Wouters m.fl. (C-309/99, EU:C:2002:98), og af 18. juli 2006, Meca-Medina og Majcen mod Kommissionen (C-519/04 P, EU:C:2006:492), kan finde anvendelse på et regelsæt, der er vedtaget af et sportsforbund, som, selv om

det er rettet til dets medlemmer, regulerer anvendelsen af tjenesteydelser fra tredjepartsvirksomheder, der ikke tilhører dette forbund, for så vidt som dette regelsæt: er vedtaget af det pågældende forbund, der med henblik herpå handler som en virksomhed eller en sammenslutning af virksomheder, og kan påvirke handelen mellem medlemsstater ikke kan kvalificeres som en aftale mellem virksomheder eller en vedtagelse inden for en sammenslutning af virksomheder, der har til formål at hindre, begrænse eller fordreje konkurrencen, og forfølger et eller flere legitime formål af almen interesse, som ikke i sig selv er konkurrencebegrænsende og står i rimeligt forhold til forfølgelsen af dette eller disse formål, hvilket indebærer, for det første, at det er egnet til at sikre opfyldelsen heraf, for det andet, at det ikke går ud over, hvad der er nødvendigt i den forstand, at ingen mindre begrænsende foranstaltning gør det muligt lige så effektivt at opfylde det pågældende eller de pågældende formål, og, for det tredje, at det ikke har virkninger for konkurrencen, som ikke står i rimeligt forhold til den almene interesse, som virkeliggørelsen af det samme eller de samme formål repræsenterer, navnlig ved at eliminere enhver konkurrence.
Artikel 101, stk. 1, TEUF skal fortolkes således, at med henblik på at afgøre, om den undtagelse, der blev fastslået ved dom af 19. februar 2002, Wouters m.fl. (C-309/99, EU:C:2002:98), og af 18. juli 2006, Meca-Medina og Majcen mod Kommissionen (C-519/04 P, EU:C:2006:492), finder anvendelse, skal de betingelser, der er knyttet hertil, ikke nødvendigvis vurderes i forhold til hver enkelt bestemmelse i det omhandlede regelsæt, men i forhold til en helhed af bestemmelser, der forfølger et særskilt formål eller har en særskilt virkning.
Læs mere
Dato: 09/07/2026

C-258/23 - **Imagens Médicas Integradas**

Nøgleord:

» Præjudiciel forelæggelse – konkurrence – karteller – misbrug af dominerende stilling – artikel 101 TEUF og 102 TEUF – de nationale konkurrencemyndigheders håndhævelse – en national konkurrencemyndigheds afgørelse om iværksættelse af en kontrolundersøgelse – ransagning i de berørte virksomheders lokaler – beslaglæggelse af forretningspapirer, som hidrører fra kommunikation via e-mail – tilladelse udstedt af anklagemyndigheden – artikel 7 og 8 i Den Europæiske Unions charter om grundlæggende rettigheder – ret til respekt for privatliv og kommunikation – ret til beskyttelse af personoplysninger – processuelle krav – manglende forudgående tilladelse fra en domstol «

Tvist:

Anmodningerne om præjudiciel afgørelse vedrører fortolkningen af artikel 7 i Den Europæiske Unions charter om grundlæggende rettigheder (herefter »chartret«).
Anmodningerne er blevet indgivet i forbindelse med tre tvister mellem en række virksomheder og Autoridade da Concorrência (konkurrencemyndighed, Portugal) angående lovligheden af foranstaltninger vedrørende ransagning og undersøgelse, indsamling og beslaglæggelse af bevismateriale i disse virksomheders lokaler i forbindelse med de undersøgelser, som denne myndighed foretog vedrørende konkurrencebegrænsende praksis som omhandlet i artikel 101 TEUF og 102 TEUF.

Dom:

På grundlag af disse præmisser kender Domstolen (Store Afdeling) for ret:
Artikel 7 i Den Europæiske Unions charter om grundlæggende rettigheder skal fortolkes således, at begrebet »kommunikation« som omhandlet i denne artikel omfatter arbejdsrelaterede e-mails, der udveksles mellem en virksomheds medarbejdere og ledere via virksomhedens e-mailsystem. Artikel 7 og 8 i chartret om grundlæggende rettigheder skal fortolkes således, at disse bestemmelser ikke er til hinder for en beslaglæggelse uden forudgående tilladelse fra en domstol af e-mails udvekslet mellem en virksomheds medarbejdere og ledere i forbindelse med en kontrolundersøgelse, der foretages af en national konkurrencemyndighed i erhvervs- eller forretningslokaler i virksomheder, der mistænkes for at have begået overtrædelser af artikel 101 TEUF eller 102 TEUF, forudsat at der er fastsat strenge retlige rammer for denne myndigheds beføjelser samt passende og tilstrækkelige garantier mod misbrug og vilkårlighed, såsom en effektiv efterfølgende domstolsprøvelse af de omhandlede foranstaltninger.
Læs mere
Dato: 16/07/2026

C-209/23 - **RRC Sports**

Nøgleord:

» Præjudiciel forelæggelse – det indre marked – konkurrence – professionel fodbold – Fédération Internationale de Football Associations (FIFA) fodboldagentregler – bestemmelser om fodboldagenters honorar, fodboldagentlicens, repræsentation af flere parter og »henvendelse« samt meddelelse af visse oplysninger til FIFA, fodboldagenterne, klubberne og spillerne – artikel 101, stk. 1, TEUF – forbuddet mod karteller – aftaler mellem virksomheder, vedtagelser inden for sammenslutninger af virksomheder og samordnet praksis – konkurrencebegrænsninger – begreberne konkurrencebegrænsende »formål« og »følge« – undtagelse til forbuddet i artikel 101, stk. 1, TEUF – betingelser – fritagelse i medfør af artikel 101, stk. 3, TEUF – betingelser – begrebet »effektivitetsgevinster« – artikel 102 TEUF – misbrug af dominerende stilling – berettigelse – betingelser – artikel 56 TEUF – hindring for den frie udveksling af tjenesteydelser – formål – proportionalitet – beskyttelse af personoplysninger – forordning (EU) 2016/679 – artikel 6, stk. 1, første afsnit, litra f) – lovlig behandling – betingelser «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 56 TEUF, 101 TEUF og 102 TEUF samt artikel 6 i Europa-Parlamentets og Rådets forordning (EU) 2016/679 af 27. april 2016 om beskyttelse af fysiske personer i forbindelse med behandling af personoplysninger og om fri udveksling af sådanne oplysninger og om ophævelse af direktiv 95/46/EF (generel forordning om databeskyttelse) (EUT 2016, L 119, s. 1, herefter »databeskyttelsesforordningen«).
Denne anmodning er indgivet i forbindelse med en tvist mellem på den ene side FT, der er agent for fodboldspillere, og RRC Sports GmbH, som er et tysk selskab med begrænset hæftelse, der selv udøver virksomhed som spilleragent, og på den anden side Fédération Internationale de Football Association (det internationale fodboldforbund) (FIFA) vedrørende lovligheden af dette forbunds bestemmelser om tjenesteydelser, som leveres inden for det internationale system med såkaldt »transfer« af spillere og trænere.

Dom:

På grundlag af disse præmisser kender Domstolen (Femte Afdeling) for ret:
Artikel 101 TEUF skal fortolkes således, at denne bestemmelse er til hinder for et regelsæt om sportsagenters virksomhed, som et internationalt sportsforbund har vedtaget, dels for så vidt som kravene i dette regelsæt medfører konkurrencebegrænsninger, uanset om disse kvalificeres som konkurrencebegrænsende »formål« eller »følge«, dels for så vidt som disse begrænsninger ikke kan opfylde de betingelser, der er anført i artikel 101, stk. 3, TEUF for at kunne være omfattet af den fritagelse for forbuddet i artikel 101, stk. 1, TEUF, eller for så vidt som nævnte begrænsninger hvad angår krav, der har konkurrencebegrænsende følge, ikke forfølger et legitimt formål af almen interesse, i forhold til hvilket disse begrænsninger er passende, nødvendige og forholdsmæssige i snæver forstand.
Artikel 102 TEUF skal fortolkes således, at denne bestemmelse er til hinder for et regelsæt om sportsagenters virksomhed, som et internationalt sportsforbund har vedtaget, for så vidt som dels, at dette sportsforbund har en bindende regelfastsættelsesbeføjelse i forhold til en væsentlig del af det relevante marked, og kravene i dette regelsæt kan udgøre misbrug af dominerende stilling som omhandlet i denne artikel 102, dels at sådanne krav ikke forfølger et legitimt formål af almen interesse, i forhold til hvilket nævnte krav er passende, nødvendige og forholdsmæssige i snæver forstand, ikke er objektivt nødvendige på grund af specifikke og legitime forpligtelser af f.eks. retlig, industriel eller kommerciel art og ikke skaber effektivitetsgevinster til fordel for forbrugerne, der kan udligne de negative følger, som kravene medfører for disse forbrugere.
Artikel 56 TEUF skal fortolkes således, at denne bestemmelse er til hinder for et regelsæt, som et internationalt sportsforbund har vedtaget vedrørende virksomheden som sportsagent, med bestemmelser, der for det første begrænser disse agenters repræsentation af flere parter, for det andet gør opnåelsen af den licens, der er nødvendig for at gennemføre visse transaktioner, betinget af, at nævnte agenter ikke har været genstand for visse strafferetlige eller disciplinære sanktioner, for det tredje gør udstedelsen af denne licens betinget af overholdelsen af visse materielle bestemmelser, der kan forbyde, medføre ulemper for eller gøre udøvelsen af retten til fri udveksling af tjenesteydelser på en medlemsstats område mindre attraktiv for fodboldagenter med hjemsted i en anden medlemsstat, eller, for det fjerde, regulerer visse spilleragenters mulighed for at henvende sig til nye spillere med henblik på at repræsentere disse, hvis disse forskellige kategorier af bestemmelser hverken er begrundet i et legitimt formål af almen interesse eller står i rimeligt forhold til et sådant formål.
Artikel 6, stk. 1, første afsnit, litra f), i Europa-Parlamentets og Rådets forordning (EU) 2016/679 af 27. april 2016 om beskyttelse af fysiske personer i forbindelse med behandling af personoplysninger og om fri udveksling af sådanne oplysninger og om ophævelse af direktiv 95/46/EF (generel forordning om databeskyttelse)
skal fortolkes således, at
denne bestemmelse er til hinder for et regelsæt om sportsagenters virksomhed, som et internationalt sportsforbund har vedtaget, for så vidt som dette regelsæt fastsætter, at dette forbund videregiver og offentliggør dels oplysninger om

enhver sanktion, som er pålagt fodboldagenter og disses klienter, dels detaljerede oplysninger om alle transaktioner, som fodboldagenterne har deltaget i.
Læs mere
Dato: 16/07/2026

C-738/22 P - **Google og Alphabet mod Kommissionen**

Nøgleord:

» Appel – konkurrence – misbrug af dominerende stilling – markedet for generelle søgetjenester på internettet – markedet for licensberettigede intelligente mobilstyresystemer – markedet for onlineapp-butikker til Android-mobilstyresystemet – afgørelse, som fastslår en overtrædelse af artikel 102 TEUF og EØS-aftalens artikel 54 – kontraktlige restriktioner – koblingssalg – fortrængningsvirkninger – sammenhængens relevans – et kontrafaktisk scenarie – lige så effektiv konkurrent – betalinger betinget af eksklusiv forudinstallation – hindring for udviklingen og forhandlingen af Android forks – samlet og vedvarende overtrædelse – bøde – fuld prøvelsesret «

Tvist:

Med appellen har Google LLC og Alphabet Inc. nedlagt påstand om ophævelse af Den Europæiske Unions Rets dom af 14. september 2022, Google og Alphabet mod Kommissionen (Google Android) (T-604/18, herefter »den appellerede dom«, EU:T:2022:541), hvori Retten:
annullerede artikel 1, 3 og 4 i Kommissionens afgørelse C(2018) 4761 final af 18. juli 2018 om en procedure i henhold til artikel 102 i traktaten om Den Europæiske Unions funktionsmåde og artikel 54 i EØS-aftalen (sag AT.40099 – Google Android) (herefter »den omtvistede afgørelse«), for så vidt som disse artikler vedrørte det fjerde misbrug i den samlede og vedvarende overtrædelse, som bestod i at have gjort indgåelsen af indtægtsdelingsaftaler med visse originaludstyrsfabrikanter og mobilnetoperatører betinget af, at Google Search-applikationen blev forudinstalleret
fastsatte den bøde, som blev pålagt Google i artikel 2 i den omtvistede afgørelse, for den samlede og vedvarende overtrædelse, som dette selskab havde begået, således som denne overtrædelse fremgår af punkt 1 ovenfor, til 4 125 000 000 EUR, hvoraf Alphabet hæftede med et beløb på 1 520 605 895 EUR i henhold til sit fælles og solidariske ansvar i øvrigt frifandt Kommissionen.

Dom:

På grundlag af disse præmisser udtaler og bestemmer Domstolen (Anden Afdeling):
Appellen forkastes.
Google LLC og Alphabet Inc. bærer hver deres egne omkostninger og betaler de af Europa-Kommissionen afholdte omkostninger. Application Developers Alliance, Computer & Communications Industry Association, Gigaset Communications GmbH, HMD global Oy, Opera Norway AS, BDZV – Bundesverband Digitalpublisher und Zeitungsverleger eV, Bureau européen des unions de consommateurs (BEUC), FairSearch AISBL, Seznam.cz, a.s. og Verband Deutscher Zeitschriftenverleger eV bærer hver deres egne omkostninger.

Forslag til afgørelse

C-357/25 - **Groupama Asigurări (Échange d’informations sur les prix)**

Nøgleord:

(Reference for a preliminary ruling – Competition – Agreements – Concerted practices – Restriction of competition by object – Exchange of information between insurers of civil liability in respect of the use of motor vehicles – Classification of such exchanges as a restriction by object without analysing the alternative explanations provided by the party concerned – Standard of proof)

Indledning:

This request for a preliminary ruling, submitted by the Înalta Curte de Casaţie şi Justiţie (High Court of Cassation and Justice, Romania), concerns the interpretation of Article 101(1) TFEU, and more specifically the question of proof of a concerted practice.The request has been made in proceedings between Groupama Asigurări S.A., a company providing insurance services (‘Groupama’), on the one hand, and the Consiliul Concurenței (Competition Council, Romania) (‘the CC’), on the other hand, concerning the decision by which the latter found that Groupama had infringed Article 101(1)

TFEU and the corresponding provision under Romanian law, through having participated in the implementation of a concerted practice aimed at restricting competition on the market for motor vehicle civil liability insurance by increasing its premium rates for policies for insurance of that type. Against that background, the referring court is asking the Court of Justice to clarify certain aspects of the concept of 'concerted practices', in particular, first, the degree of precision of the information exchanged between competitors in order to determine whether such an exchange could constitute a concerted practice, and, second, the possibility for an undertaking involved to provide alternative explanations as to its conduct and the effects of that conduct on the market.

Forslag til afgørelse:

In the light of the above considerations, I propose that the Court answer the question referred for a preliminary ruling by the l'Înalta Curte de Casație și Justiție (High Court of Cassation and Justice, Romania) as follows:
Article 101(1) TFEU
must be interpreted as meaning that:
a concerted practice, within the meaning of that provision, does not necessarily involve an exchange of detailed or individualised information on future intentions regarding prices, such as specific or concrete information concerning the date, scope and manner of adjustments to future pricing behaviour, it being noted that exchanges of information which do not contain such details may, depending on the circumstances, be characterised as a concerted practice, depending on its ability to reduce or eliminate uncertainty regarding the behaviour of market participants, having regard, in particular, to the characteristics of that market; and provided that an undertaking involved in a concerted practice remains active in the relevant market, it cannot be ruled out, in view of the circumstances relating to the generic nature of the exchange of information in question and the doubts as to whether it is inherently anticompetitive, that that undertaking may rebut the presumption of a causal link between the concerted action and that undertaking's conduct on that market by demonstrating that the undertaking in question did not take into account the exchange of information in the course of its operations on that market, the competent competition authority being required in that regard to take into account all the evidence put forward by that undertaking for that purpose.
Læs mere
Dato: 09/07/2026

C-670/24 P - **Mead Johnson Nutrition (Asia Pacific) m.fl. mod Kommissionen**

Nøgleord:

» Appel – statsstøtte – Det Forenede Kongerige – Gibraltars selskabsbeskatningsordning – skattefritagelse i forbindelse med indtægter fra renter og royalties – bindende svar til multinationale virksomheder – afgørelse om at udvide den formelle undersøgelsesprocedure efter artikel 108, stk. 2, TEUF – støtteforanstaltning, der på datoen for afgørelsen er gennemført – annullationssøgsmål – definition af »retsakt, der kan gøres til genstand for et søgsmål« «

Indledning:

I den foreliggende appel skal Domstolen først og fremmest tage stilling til ensartetheden i en retspraksis, der er udviklet af Retten, vedrørende afvisning under visse omstændigheder af annullationssøgsmål til prøvelse af Europa-Kommissionens afgørelser om at indlede den formelle undersøgelsesprocedure, der er fastsat i artikel 108, stk. 2, TEUF og artikel 4, stk. 4, i Rådets forordning (EU) 2015/1589 af 13. juli 2015 om fastlæggelse af regler for anvendelsen af artikel 108 i traktaten om Den Europæiske Unions funktionsmåde (2).
Der skal i henhold til denne retspraksis sondres mellem, om sådanne søgsmål kan antages til realitetsbehandling, afhængigt af om den omtvistede afgørelse vedrører nationale foranstaltninger, der er under gennemførelse, eller som allerede er gennemført. Mens afgørelser om at indlede den formelle undersøgelsesprocedure med hensyn til foranstaltninger, der er under gennemførelse, har selvstændige retsvirkninger, navnlig for så vidt som de kræver, at foranstaltningen suspenderes, og derfor kan anfægtes i henhold til artikel 263 TEUF, har afgørelser vedrørende foranstaltninger, der allerede er gennemført, ikke sådanne selvstændige retsvirkninger, da de ikke er umiddelbare, sikre og tilstrækkeligt bindende for den medlemsstat, som de er rettet til, eller for modtageren eller modtagerne af den foranstaltning, der er genstand for den foreliggende prøvelse (3). Den i nærværende appel omtvistede foranstaltning er omfattet af den anden kategori.
Mead Johnson Nutrition (Asia Pacific) Pte Ltd, MJN Global Holding BV og Mead Johnson Nutrition Co. (herefter »appellanterne«) har med deres appel nedlagt påstand om ophævelse af Rettens kendelse af 13. august 2024, Mead Johnson Nutrition (Asia Pacific) m.fl. mod Kommissionen (4) (herefter »den appellerede kendelse«), hvorved Retten på grundlag af ovennævnte retspraksis afviste søgsmålet om annullation af Kommissionens afgørelse C(2022) 7665 final af

31. oktober 2022 om statsstøtte SA.34914 (2013/C) – Det Forenede Kongerige – Gibraltars selskabsbeskatningsordning (5) (herefter »den omtvistede afgørelse«).

Forslag til afgørelse:

Jeg foreslår på baggrund af det ovenfor anførte, at Domstolen træffer følgende afgørelse:
Appellen forkastes.
Mead Johnson Nutrition (Asia Pacific) Pte Ltd, MJN Global Holding BV og Mead Johnson Nutrition Co. bærer deres egne sagsomkostninger og betaler Europa-Kommissionens sagsomkostninger.
Gibraltars regering bærer sine egne sagsomkostninger.«
Læs mere
Dato: 25/06/2026

Kendelser

C-255/25 - **Technikes Anaktisis kai Diachorismou**

Nøgleord:

(Reference for a preliminary ruling – Article 99 of the Rules of Procedure of the Court of Justice – Reply which may be clearly deduced from existing case-law – Private investment aid scheme – Aid scheme compatible with the internal market – Refusal by the competent authority to grant aid under that scheme – Legal action seeking annulment of that refusal decision – Retroactive effect of a possible judicial annulment of that refusal decision – Expiry, during the legal proceedings, of the period laid down for granting the aid under that aid scheme – Date on which the aid concerned is deemed to have been granted – Article 47 of the Charter of Fundamental Rights of the European Union – Right to an effective judicial remedy – Regulation (EU) 2015/1589 – Article 1 – Existing aid)

Tvist:

This request for a preliminary ruling concerns the interpretation of Article 107(1) TFEU and point 28 of Article 2 of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 [TFEU] (OJ 2014 L 187, p. 1).
The request has been made in proceedings between Technikes Anaktisis kai Diachorismou AE (ECORESET AE) and Perifereia Attikis (Attica Region, Greece) concerning the rejection, by the latter, of that company's application for aid under the aid scheme for private investment in the regional and economic development of the country, entitled 'General Entrepreneurship' ('the "General Entrepreneurship" aid scheme'), authorised by the European Commission under Regulation No 651/2014.

Dom:

On those grounds, the Court (Seventh Chamber) hereby rules:
Article 107(1) TFEU, Article 1(b)(ii) of Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 [TFEU], and point 28 of Article 2 of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 [TFEU], read in the light of the first paragraph of Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as not precluding national legislation or case-law conferring retroactive effect on an annulment, by a judicial decision, of a decision of an authority unduly refusing to grant an undertaking individual aid under a State aid scheme authorised by the European Commission, with the result that that aid is deemed to have been granted on the date on which that authority had unduly refused it, even though that judicial decision was handed down after the date of expiry of the period laid down for granting aid under that aid scheme.
Læs mere
Dato: 29/06/2026

Andet nyt fra EU-domstolen

Intet nyt.

Andet internationalt nyt

Carbon contracts for difference schemes for industrial decarbonisation under the CEEAG – State aid Guidance for Member States
The aim of this guidance, as announced in the European Steel and Metals Action Plan7, is to support Member States in designing CCfD-based aid schemes in compliance with the CEEAG, by clarifying the main applicable compatibility criteria. This would facilitate the setting up of such aid schemes as well as a quicker assessment. This complements the simplified rules for investment aid schemes8 for industrial decarbonisation provided in the Clean Industrial Deal State Aid Framework – CISAF9, adopted on 25 June 2025.

Private dental services market study
The Competition and Markets Authority (CMA) has launched a market study into the supply of private dental services in the UK.
17 July 2026: The CMA has published an update on our study. It gives an overview of our engagement to date, confirms the scope of the market study, and highlights where we seek further stakeholder input.

CMA opens probe into childcare sector
The Competition and Markets Authority (CMA) has launched a market study into early years education and childcare services in England to assess whether the sector is working well for families, providers and the wider economy.
The review will consider early years education and childcare from birth until children start school, including services provided by nurseries, childminders and in school-based settings.

Bundeskartellamt presents its Annual Report for 2025/26
Bundeskartellamts årsrapport for 2025/26 viser, at den tyske konkurrencemyndighed især har haft fokus på brændstofpriser, digitale markeder, kartelbekæmpelse og fusionskontrol. Myndigheden har blandt andet undersøgt, om raffinaderier har opkrævet urimeligt høje priser efter stigende brændstofpriser, og har grebet ind over for Amazons mulighed for at påvirke priserne hos sælgere på Amazon Marketplace. Amazon-sagen illustrerer myndighedens øgede fokus på digitale platformes markedsmagt.
Derudover har Bundeskartellamt fortsat bekæmpelsen af karteller og behandlet en række fusioner, særligt i den koncentrerede dagligvaresektor. Årsrapporten fremhæver også, at kunstig intelligens skaber nye konkurrenceretlige problemstillinger. Overordnet understreger rapporten, at konkurrencemyndighederne må udvikle nye værktøjer og regler for at håndtere stadig mere komplekse og digitale markeder.

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 8, 2026:

ECLR Editorial, June 2026 (Editorial)
James Harvey
Abstract: Summarises the articles in this issue of the journal, which all address how EU competition law is developing to address new forms of interference with competition.

Call-in powers and Article 22: a survey of jurisdictional thresholds and timing
Riccardo Fadiga
Abstract: Examines the scope of the European Commission's jurisdiction to review below-threshold concentrations in the context of Article 22 referrals, with reference to the pending Nvidia v Commission (T-15/25). Analyses national call-in powers as a jurisdictional basis, contrasting their qualitative thresholds and ex post timing with traditional merger control regimes.

AI partnerships and competition: damned if you buy, damned if you don't
Dirk Auer and Mario Zúñiga
Abstract: Considers strategic AI partnerships formed by major technology companies, including licensing arrangements, minority equity stakes, and infrastructure sharing, assessing whether they present risks of anticompetitive harm, and merger jurisdiction should be expanded, or whether they are benign.

Foreign Subsidies Regulation: levelling the playing field or raising barriers to trade?
Stéphane Frank, Philip Monaghan, Philippe Noguès, Lining Shan and Vivian Wang
Abstract: Discusses Regulation 2022/2560 (Foreign Subsidies Regulation) and its practical operation as a potential barrier to trade, focusing on enforcement trends in public procurement and the disproportionate scrutiny applied to Chinese state-supported companies. Considers criticisms of the regime and its likely enforcement trajectory.

Detecting algorithmic collusion: the case for crowdsourced computational screening in EU antitrust procedure
Niccolò Galli
Abstract: Argues that the forthcoming revision of Regulation 1/2003 should address algorithmic collusion primarily as an investigative capacity problem, and use crowdsourced coding contests as a bounded computational screening mechanism.

Austria: mergers - legislation
Mag. Melanie Gassler-Tischlinger
Abstract: Reports on Austria's implementation of Regulation 2024/1083 (European Media Freedom Act), analysing amendments to Austrian law on merger control, including the definition of media concentrations, substantive review criteria, and the strengthened procedural role of KommAustria.

Canada: mergers - merger control
Kaeleigh Kuzma
Abstract: Examines the consent agreement reached between the Canadian Competition Bureau and Parrish & Heimbecker requiring divestiture of GrainsConnect Canada Operations' grain elevator business in Saskatchewan to resolve competition concerns arising from the proposed acquisition.

Czech Republic: anti-competitive practices - infringement
Tomas Fiala
Abstract: Reports on the Czech Competition Office's decision that the electronic goods retailer HP Tronic Zlín had engaged in resale price maintenance for over 10 years in breach of EU and Czech competition rules, resulting in a fine of approximately €1.6 million, reduced following leniency application, admission of liability, compliance programme enhancements, and settlement.

Denmark: anti-competitive practices - investigation
Jens Munk Plum
Abstract: Examines the Danish Competition and Consumer Authority's formal warning issued to an accounting software company whose AI-powered benchmarking tool facilitated indirect exchange of competitively sensitive pricing data among small business users. Analyses the application of the facilitator doctrine to algorithmic price transparency tools, finding that aggregation and anonymisation of data do not neutralise competition concerns where digital processing renders the information actionable.

Finland: mergers - merger control
Suzanne Simon-Bellamy
Abstract: Reports on the Finnish competition authority's first application of the Towercast criteria to a below-threshold acquisition, in which healthcare provider Terveystalo Oyj acquired Citylakarna Mariehamn Ab, ultimately closing the case for insufficient evidence of pre-existing dominance. Considers the limitations of the Towercast doctrine as a substitute for a call-in power.

France: anti-competitive practices - infringement
Emmanuel Reille
Abstract: Examines the French Competition Authority decision imposing fines of €6.5 million on the Nexans and Sonepar groups for an import exclusivity arrangement across the French overseas departments and regions in breach of the French Commercial Code art.L420-2-1 (Lurel Law). Considers the role of whistleblower evidence in initiating and broadening the investigation, and the application of the prohibition to conduct falling short of a formal exclusive distribution agreement.

Greece: mergers - merger control
Christianna Mara
Abstract: Reports on the Hellenic Competition Commission's approval for the acquisition by Diamantis Masoutis Super Market SA of sole control over Anedik Kritikos SA subject to commitments. Considers the drive-time catchment area methodology applied to define local geographic markets and the mixed remedy package severing both store ownership and trademark links with affiliated partner stores.

Ireland: anti-competitive practices - judgment (Case Comment)
Dr Vincent J G Power SC
Abstract: Comments on the Irish High Court judgment in ER Travel Ltd v Dublin Airport Authority on an application for adjournment to instruct a replacement economic expert witness, after the plaintiff's witness became ill. Balances case management principles favouring expeditious completion of long-running competition litigation against the plaintiff's right to adduce expert economic evidence.

Ireland: competition - report
Dr Vincent J G Power SC
Abstract: Analyses the Irish Competition and Consumer Protection Commission report on retail and wholesale fuel price movements in Ireland in March 2026 while global energy prices were rising. Distinguishes between price gouging, excessive pricing, price controls and price-fixing.

Netherlands: anti-competitive practices - investigation
Jotte Mulder
Abstract: Reports on the Dutch Competition Authority closing an investigation into suspected abuse of dominant position by an unnamed international software supplier in the Netherlands, finding insufficient evidence that unreasonable pricing or contractual conditions had been imposed on dependent business customers in breach of Dutch and EU competition rules.

Netherlands: anti-competitive practices - enforcement
Jotte Mulder
Abstract: Reports on the Dutch Competition Authority (ACM) rejection of a competitor's complaint against Jura Nederland's selective distribution system for coffee machines, finding insufficient indications of competition law infringement where market shares fell below the thresholds of the Vertical Block Exemption Regulation. Compares the ACM's approach with the Italian Competition Authority's 2021 investigation into Apple Inc and Amazon.com Inc concerning restrictions on online marketplace sales by unauthorised retailers

Netherlands: competition - policy priorities
Jotte Mulder
Abstract: Sets out the Dutch Competition Authority's (ACM) enforcement priorities for sustainability supervision in 2026, focusing on obstacles to sustainable and circular production, greenwashing claims, and preparatory oversight of international corporate chain responsibility.

Portugal: mergers - merger control
Ricardo Filipe Costa
Abstract: Reports on the prohibition of the Boluda acquisition of Remolcanosa Portugal Servicos Marítimos SA, finding that the merger would eliminate the only effective competitive constraint in the Port of Sines towage and mooring services market, creating a monopoly.

Romania: mergers - merger control
Cristina de Jonge
Abstract: Reviews the Romanian Competition Council's examination of the proposed acquisition of the Carrefour group in Romania by Paval Holding SRL, focusing on the procurement and retail markets for fast-moving consumer goods, with geographic markets defined by drive and walk-time catchment areas.

Romania: anti-competitive practices - investigation
Cristina de Jonge
Abstract: Reports on the Romanian Competition Council's investigation of alleged abuse of dominant position by the rail company Compania Nationala de Cai Ferate CFR SA, focusing on whether failure to invest in the traction electricity supply system has led to barriers to access. Notes that the Bucharest Court of Appeal authorised dawn raids at the premises, which were conducted.

South Africa: competition - East Africa
Lizél Blignaut
Abstract: Examines competition law reform across East Africa, analysing how COMESA, the East African Community and Kenya are aligning their frameworks with global standards through measures addressing digital markets, merger control and enhanced enforcement.

Sweden: competition - reform
Stefan Perván Lindeborg
Abstract: Examines three reforms to Swedish competition law taking effect on 1 August 2026: new powers enabling the Swedish Competition Authority to impose competition-promoting measures without proof of infringement; amendments extending merger control to local markets and introducing information obligations targeting killer acquisitions; and a new Act governing anti-competitive sales activities by public actors.

Turkiye: mergers- merger control
Dr. Gönenç Gürkaynak, Esq.
Abstract: Reports on the acquisition of Smartpulse Teknoloji Anonim Sirketi by Volue AS, approved by the Turkish Competition Board after assessing horizontal, vertical and conglomerate effects. Concludes that the transaction does not satisfy the conditions for a killer acquisition, characterising it instead as a complementary technology combination generating potential synergy.

Artikler fra European Competition Journal

Intet nyt.

Artikler fra Journal of Competition Law and Economics

Intet nyt.

Artikler fra Journal of Antitrust Enforcement

Volume 14, issue 2, 2026

Rethinking competition policy: from consumer welfare to inclusive productive development
Andrea Marván Saltiel

This paper examines the objectives of competition policy and revisits the traditional focus on consumer welfare in light of broader economic considerations, arguing that competition policy can be understood as part of a wider framework that contributes to productivity growth, innovation, and economic development; it proposes an analytical approach in which competition policy and industrial policy coexist and interact, highlighting the conditions under which they may be complementary. Drawing on theoretical and empirical contributions, the analysis discusses how market concentration, limited competition, and institutional constraints may affect productivity and innovation, and considers the role of policy coordination alongside the use of both ex-ante and ex-post assessments. Finally, it outlines a set of policy considerations for competition authorities aimed at strengthening coherence with broader development strategies while preserving their institutional role, emphasizing the importance of facilitating long-term economic development.

Market' definition in ecosystems
Konstantinos Stylianou and Bruno Carballa-Smichowski
Despite the popularization of the concept of 'ecosystems' among academics and practitioners, ecosystems have so far failed to become a coherent unit of analysis in competition law. One of the reasons is that it is not yet apparent when ecosystem analysis should be preferred over standard market-based analysis, and we also lack empirical methodologies to define their boundaries. In this article we first describe contexts where formal definition of ecosystem boundaries (similar to market definition) is necessary or at least desirable to achieve quality analysis, and then describe methodologies on how to achieve that (hierarchical clustering, K-means clustering, network of complementarities, factor analysis, and snowball selection). Furthermore, we provide guidance on when each of the methodologies is pertinent. We describe the limitations of the substitutability, aftermarkets, and connected markets approaches in cases in which ecosystems are the main unit of analysis. Finally, we provide four examples of how, in such cases, these methodologies presented can be useful to practitioners: i) market inquiries, investigations, and pro-competition interventions; ii) designation of undertakings as having strategic market status; iii) conglomerate mergers and iv) calculation of fines and quantification of harm/effects

Behavioural economics in EU competition law: Article 102 TFEU, the Digital Markets Act, and informed assumptions of irrationality
Ryan Stones
This article analyses how European Union (EU) competition law uses insights from behavioural economics to determine whether business conduct is illegal. Various Article 102 TFEU decisions against Microsoft, Google, Amazon, and Apple have reflected behavioural findings on non-rational decision-making, as do the obligations imposed on gatekeepers by the Digital Markets Act (DMA). Regardless of whether one accepts the underpinning analysis, behavioural economics is informing EU competition law. The issue is how it should do so. Both Article 102 enforcement and the DMA incorporate behavioural economics in different ways, neither of which is simply a corollary of being 'ex post antitrust' or 'ex ante regulation'. It is argued that the certainty of Article 102 enforcement would benefit from it replicating the DMA's informed assumptions of irrationality. While the Commission's current approach of context-specific factual analysis faithfully captures the contingency of biases in behavioural economics and facilitates accurate findings of illegality, it has resulted in uncertainty as to when conduct is prohibited by Article 102. The DMA's assumptions of irrationality admittedly distort behavioural economics and will lead to some inaccurate outcomes. Nevertheless, if suitably informed by economic research and enforcement experience, assumptions of irrationality offer the opportunity for Article 102 decisions to reflect behavioural insights without abandoning legal certainty.

The rhyme and reason of gatekeeper designation under the Digital Markets Act
Friso Bostoen and Giorgio Monti
We present a comprehensive account of the first 34 designation decisions under the Digital Markets Act (DMA). We first explain how the Commission delineates and classifies core platform services (CPSs) for assessment and how it explains the rationale for finding several gatekeepers in certain CPS segments. We then turn to how the Commission determines gatekeeper status and the criteria that may be used to contest gatekeeper status. Having shown how the decisional practice and the first General Court judgment add substance to the DMA text, we discuss what designation and non-designation decisions tell us about the nature of gatekeeper power.

Closing information gaps in DMA enforcement—expectations, incentives, and the role of anonymity for whistleblowers
Sarah Hinck and Jasper van den Boom
The introduction of the Digital Markets Act (DMA) Whistleblower Tool marks an important step in encouraging informants to report DMA breaches by gatekeepers, while navigating the complexities of anonymity and protection for informants. This article aims to answer the question of how the implementation of the DMA Whistleblower Tool impacts potential whistleblowers and their incentives to come forward. To this extent, we examine varying levels of anonymity (full, partial, non-anonymous) and their respective advantages and disadvantages for whistleblowers, highlighting the necessity for

regulators to secure protections against retaliation without compromising administrative efficiency or due process. Despite the DMA's intention to apply the protections of the Whistleblower Directive (WBD), practical implementation has lagged, creating several challenges. The DMA's reliance on the WBD faces obstacles due to the decentralized nature of the WBD, the DMA's centralized reporting system, the differing focus of internal versus external reporting channels, and the mismatch between the WBD's focus on insiders and the DMA's broader range of potential informants, such as business users and competitors. These issues point to the need for enhanced procedural clarity, better utilization of national competition authorities, improved alignment between the DMA and the WBD, and the formation of DMA interest groups to advocate for business users.

Japan's competition policy update: a path-dependent way forward
Reiko Aoki
Japanese competition policy is examined focusing on abuse of superior bargaining position and the Subcontract Act which complements the Anti-Monopoly Act, in a historical context: laws and enforcement have evolved as the Japanese economy evolved. Most recently, the laws and enforcement are evolving in response to emergence of the digital economy. Specifically, the revision of the Subcontract Act and the two new complementary laws Freelance Act (covers gig-workers) and the Mobile Software Competition Act are discussed.

Competition law and policy in crisis and the rise of the expansive state
Marek Martyniszyn
Competition Law and Policy has long been shaped by the Limited State paradigm, which emphasized minimal government intervention and framed competition enforcement as a narrowly focused, technocratic exercise. However, recent crises—including the 2008 Financial Crisis, the coronavirus disease-2019 (COVID-19) pandemic, and geopolitical shifts—have triggered a transition toward the Expansive State. This article makes an original contribution by analysing how the old paradigm shaped Competition Law and Policy, and how its rejection is now challenging the system, necessitating a rethinking of values, priorities, and institutional roles. It argues that beyond traditional enforcement, advocacy must become a core function of competition agencies to ensure competition principles are not overlooked by the Expansive State but remain actively considered in policymaking. The analysis highlights the need to reclaim neglected enforcement areas, address entrenched corporate power, and prevent further market concentration. At the same time, it warns against the risks of political instrumentalization, cautioning against the potential marginalization of Competition Law and Policy. Ultimately, the article calls for an adaptive, forward-looking framework that balances enforcement with evolving public interest considerations, ensuring Competition Law and Policy continues to foster economic dynamism, innovation, and consumer welfare in the Expansive State era.

To fine, or not to fine: reconciling effective enforcement with fundamental rights in times of an effects-based approach to EU competition law
Simon de Ridder and Lennart Enwaldt
The European Commission should consider introducing a second type of procedure for enforcing Articles 101 and 102 TFEU that excludes the option to impose a fine on the infringing undertaking. This procedure could be part of a reform of Regulation 1/2003, which is currently being revised. The presumption of innocence applies to any proceeding that may result in the imposition of fines, which includes the 'beyond any reasonable doubt' standard of proof. The demanding 'beyond any reasonable doubt' standard in conjunction with a substantive test based on an assessment of the conduct's effects in any single case leads to long decisions and lengthy proceedings, binding up resources. In turn, opting out of the power to impose fines at the start of the procedure allows for a less strict standard of proof, which might shorten proceedings. This could enable the Commission to pursue more cases and prohibit harmful conduct more quickly. Thus, a procedure excluding fines could prove to be a valuable tool for enforcing competition law.

Complexity and consistency challenges: evidence collection in EU and national competition law
Nils Imgarten
This article explores the challenges and inconsistencies in evidence collection and judicial review within the decentralized application of European Union (EU) competition law, particularly comparing EU and German procedural practices, regarding both public enforcement and private enforcement. It examines the differing standards and methods employed by Union courts and national courts, highlighting significant discrepancies in evidentiary procedures, the extent of judicial review, and the potential for forum shopping due to procedural divergence among Member States and the EU judiciary. Special attention is given to the practice of the General Court (GC) and its reliance on the European Commission's findings versus the sometimes more rigorous evidence collection by national courts. This article discusses the implications of these differences for public and private enforcement, particularly in follow-on cartel damages claims, and the influence of various fundamental rights regimes on procedural law and the law of evidence. Proposals for adjustments to both national and EU procedural laws aim to mitigate inconsistencies and enhance the protection of

fundamental rights. By focusing on a comparative analysis of EU and German procedural law, this research exemplifies the potential for greater harmonization to ensure consistent public and private enforcement of EU competition law.

The Digital Markets Act: two years after, where do we stand? Some reflections on DMA achievements and future challenges
Marco Botta
In a couple of weeks, the European Commission is expected to publish a long-awaited report on the Digital Markets Act (DMA).[1] In accordance with Article 53 DMA, the Commission has to report to the Council and the European Parliament by 3rd May 2026 on whether the DMA has achieved its objectives, in terms of strengthened contestability and fairness in digital markets. Secondly, the Commission has to suggest (if needed) any legislative modifications to the lists of obligations under Articles 5, 6, and 7 of the DMA, and to the list of Core Platform Services (CPSs) under Article 2. Following the entry into force of the DMA obligations, the gatekeepers cannot impose on business users a number of unfair contractual clauses (eg no-challenge clauses, Article 5.6). In terms of fairness, the DMA also improves the platform transparency, especially in relation to online advertising (Article 5.9 and Article 5.10). When it comes to contestability, the DMA obligations aim at preventing discriminatory behaviours by the gatekeeper (ie self-preferencing in ranking of products, Article 6.5), as well as removing the preferential access to customers' data enjoyed by the gatekeeper (Article 5.2, Article 6.2 and Article 6.9). In addition, the DMA decreases users' lock-in into the platform ecosystem, by fostering the ability of end users 'to switch' to alternative services provided by third parties (eg Articles 6.4, 6.6, and 6.10) and allowing business users to steer consumers outside of the platform ecosystem (Articles 5.4 and 5.7). Finally, by fostering interoperability (Articles 6.7 and 7), the DMA empowers third parties to release new software and hardware compatible with the gatekeeper's products without re-creating the entire network from scratch.

Japan's Smartphone Act and the limits of dialogue-driven digital regulation
Simon Vande Walle
Japan's Mobile Software Competition Act (the "Smartphone Act") seeks to increase competition in the smartphone ecosystem through *ex ante* regulation. It is best understood as a safety-conscious, dialogue-based variant of *ex ante* digital regulation; yet precisely those defining features may ultimately constrain its ability to deliver meaningful competitive change. Although the Japan Fair Trade Commission possesses formidable enforcement powers on paper, their practical use is constrained by institutional traditions favouring cooperative enforcement and by geopolitical considerations, specifically the need to avoid antagonising the United States. Early evidence suggests that a regime built around flexibility and cooperation may struggle to change the behaviour of global technology firms. More fundamentally, Japan's experience raises broader questions about whether *ex ante* digital regulation can succeed without a credible prospect of escalation to formal enforcement measures.

Artikler fra Journal of European Competition Law and Practice

Collective benefits
Roman Inderst and Stefan Thomas
Our research focus lies on the question of the consumer's power to induce a change in collective purchasing behaviour and how the existence or absence of such power influences a consumer-welfare-based competition analysis in antitrust cases. We build our deliberations around the European Commission's concept of 'collective benefits' as introduced in its 2023 Horizontal Guidelines on Article 101 of the Treaty on the Functioning of the European Union (TFEU) in the context of sustainability agreements.[1] The collective benefits paradigm states that when performing a counterfactual analysis, the agency may take into account benefits that accrue to a group in society or to society as a whole, provided that the consumers in the affected market participate in those benefits. The collective benefits paradigm recognizes such collective benefits within a consumer welfare analysis even if consumers do not have sufficient willingness to pay for a change in their own consumption behaviour. In a sense made precise below, this conception of consumer welfare thus represents a crucial departure from standard consumer welfare analysis, which relies on an aggregation of consumers' willingness to pay for changes in their own consumption, but not in the consumption of others.
Dato: 29/06/2026

Unpacking price–cost tests for conditional and multi-product rebates in EU Competition Law—Part I
Oliver März and Chi Trieu
In August 2024, the European Commission ('Commission') published its Draft Guidelines on the application of Article 102 TFEU to exclusionary abuses.[1] The Draft Guidelines mark a reorientation in the Commission's treatment of exclusionary abuses by distinguishing between types of conduct that the Commission presumes to lead to exclusionary effects and conduct for which it is necessary to demonstrate a capability to produce exclusionary effects.[2] An important element in the analysis of exclusionary effects continues to be the as-efficient competitor ('AEC') principle and the accompanying

test (henceforth 'price–cost test'), which informs whether the price-based conduct of a dominant firm may result in price-setting below costs, implying that an as-efficient competitor may not be able to compete with the dominant firm. It is thus expected that the AEC principle and price–cost tests continue to remain important for the Commission's enforcement practice in the future, especially when price is the primary instrument of exclusion.
Dato: 03/07/2026

An overview of EU State aid rules for seaports in times of disruption
Laurent Fedi and Sophearith Pan
This study delves into the application of State aid regulations in the port sector confronted with geopolitical tensions, climate change, economic crisis, and energy transition. The focus is on the European Commission's decisional practice in times of disruption. We identified cases that occurred during the financial crisis (2008–09) and in recent years especially from 2023 to 2025, including the Russian aggression against Ukraine.
The State aid regime is a fundamental area of EU competition law where the European Commission is entrusted with substantial discretion in investigating national measures granted to economic sectors as defined by Articles 107, 108, and 109 of the Treaty on the Functioning of the European Union (TFEU). Member States are required to respect the standstill obligation by notifying all public measure supports to the Commission. Since the 2000s, the Commission has initiated control over the port sector. The Commission's power has gradually increased, impacting on the port administrative and financial structures and thus limiting the intervention of Member States.
Dato: 03/07/2026

The *Doctolib* decision: for the first time the French Competition Authority fines a below-threshold transaction under abuse of dominance provisions
Aymeric de Moncuit and others
For the first time, the French Competition Authority ('FCA') fined a company for acquiring a competitor on the basis that this was an abuse of its dominant position. Even though this acquisition did not meet French merger control thresholds, and therefore was not subject to prior merger control review, the FCA fined Doctolib in a decision dated 6 November 2025 for its 2018 acquisition of *MonDocteur*, a rival also active on the French market for online medical appointment booking services (the '***Doctolib* decision**').[1]
Doctolib is a company headquartered in France. Since 2013, it has notably been active in the market defined for the first time by the FCA as the French market for online medical appointment booking services (via its *Doctolib Patient* offering). *Doctolib* offers services to both patients and healthcare professionals.
At the time of the acquisition, *Doctolib* was still a start-up in an emerging market. Nevertheless, the FCA sustained that *Doctolib* held a dominant position on the narrowly defined market for online medical appointment booking services, with market shares allegedly exceeding 50 per cent, and some years even 90 per cent.
Dato: 09/07/2026

Unpacking price–cost tests for conditional and multi-product rebates in EU Competition Law—Part II
Oliver März and Chi Trieu
In this article, we bridge the gap between existing high-level guidance and real-world application by providing practical guidance for the implementation of price–cost tests for conditional and multi-product rebates. The article is split into two parts. This parts covers price–cost tests for multi-product rebates. Part I covers price–cost tests for single-product conditional rebates and an introduction that establishes the broader context of the contribution.
Dato: 20/07/2026

Artikler fra World Competition

Volume 49, issue 2, 2026

Exemptions under Thai Competition Law and Challenges for Cross-Sector Competition
Pornchai Wisuttisak, Benjawan Tangsatapornpan, Nengjie Jiang
This study explored exemptions stipulated in the competition law in section 4 of Thailand's Trade Competition Act B.E. 2560 (TCA) of 2017 and also the challenges in applying the TCA in certain sectors. The research highlights exemptions that were included in an earlier version of the TCA, passed in 1999, and that continue to apply in the 2017 version. The exemptions give various sectors more opportunities to ensure socioeconomic objectives, but they also contribute to challenges in applying competition law to anti-competitive conduct in essential business sectors, thereby impacting consumers in Thailand. The researchers first provide an introduction to the background of the study and then explore the general framework of competition law and the development of exemptions from it in Thailand, discuss the challenges posed by the exemptions that apply to certain economic sectors in Thailand, and compare Thailand's exemptions with

those found in the laws of Singapore, the European Union, Japan, and China. The researchers also provide a conclusion and recommendations for reforming competition law in Thailand in terms of the discussed exemptions.

The Use and Abuse of Profitability Analysis in Excessive Pricing Cases
David Wirth
On 23 October 2025, the UK's Competition Appeal Tribunal (CAT) handed down a landmark judgment in Kent v. Apple in which it concluded that Apple had abused a dominant position by charging excessive and unfair prices. In reaching its conclusion, the Tribunal sought to rely on a profitability analysis carried out by the claimant's experts and rejected Apple's argument that no meaningful analysis could be carried out. The difficulties in conducting a profitability analyses have been identified many times in UK market investigations, with the issues being particularly pronounced in digital and knowledge-based industries. This article seeks to highlight some of the key challenges in carrying out this type of analysis, which have resulted in the CMA either abandoning or deciding not to pursue the analysis in certain market studies and market investigations, and the relevance of those challenges to excessive pricing cases under the Competition Act 1998. In particular, at what point do the measurement errors become so great that that the results are neither robust nor reliable?

Effective Digital Remedies in the EU: Unwinding Accumulated Advantages
Clara Beatrice Calini
This article reflects on the meaning of 'effective remedies' in digital cases and on how competition authorities might design interventions that restore undistorted competition in the presence of network, data or behavioural advantages. Building on the legal framework of Regulation 1/ 2003 and the ECN+ Directive, it argues that the decisive criterion is effectiveness – understood as bringing the infringement to an end, restoring competitive conditions and ensuring future compliance – while proportionality operates as a constraint but cannot justify remedies that leave competitive harm or advantage largely intact. The analysis makes the case for a restorative and forward-looking approach to remedy design, and suggest to consider unwinding accumulated advantages rather than merely ordering the unlawful conduct to stop. It also discusses innovations in terms of process, such as iterative and market-tested remedies, or the use of external advisors, that might help align remedial practice with the principle of effectiveness.

Antitrust Enforcement in India's Digital Economy Through The Digital Market Unconscionability Test
Nishika Parikshya
India's digital economy is increasingly governed by dominant platforms such as Google, Amazon, and Zomato, which use pre-drafted, non-negotiable contracts to impose terms that can significantly shape market dynamics. These contracts often include practices such as tying, bundling, and exclusivity, which, while potentially anti-competitive, are assessed by the Competition Commission of India (CCI) using the Appreciable Adverse Effect on Competition (AAEC) standard. This framework, which focuses on demonstrable output or price-based harm, is ill-equipped to capture subtler forms of exclusion rooted in contract design. Although the CCI has acknowledged contractual practices in cases like Google v. ADIF, enforcement remains hindered by high evidentiary burdens. This paper critiques the limitations of the AAEC standard in digital markets and introduces a new tool; the Digital Market Unconscionability Test (DMUT) to address these gaps. Grounded in Indian contract and competition law, DMUT offers a structured, ex-ante framework to identify and assess contractual abuse based on bargaining asymmetry, data-driven lock-in, and absence of real choice. The paper argues that adopting DMUT would enable the CCI to act pre-emptively, align enforcement with India's constitutional commitment to economic justice, and better address the realities of digital platform dominance.

Sustainability Deficit in China's Competition Law: The Dormant Green Exemption under the Anti-monopoly Law and Paths for Reform
Huizi Ai
Article 20 of China's Anti-Monopoly Law (AML) expressly permits exemptions for agreements pursuing environmental protection, commonly referred to as the 'green exemption', but this mechanism has remained largely dormant in practice. This article examines whether China's competition law regime suffers from a 'sustainability deficit', a concept that has emerged prominently in debates over the objectives of EU competition law. It argues that, despite the statutory recognition of environmental protection in Article 20, the green exemption remains difficult to invoke in practice due to conceptual ambiguity, procedural deficiencies, and institutional constraints. In particular, the AML provides no clear standards for identifying environmental agreements, assessing environmental benefits, or reviewing exemption claims, while existing exemption cases reveal a judicial tendency to prioritize conventional competition analysis over uncertain or long-term public-interest benefits. Against the backdrop of China's rapidly evolving environmental governance framework and the newly promulgated Ecological and Environmental Code, this article proposes targeted reforms to ssolve the sustainability deficit and facilitate the practical application of the green exemption. These include clarifying substantive standards, incorporating environmental expertise into competition review, and establishing structured review mechanisms supported by ex ante consultation and ex post monitoring.

Diagnosing the Decline of Interim Measures in EU Competition Law: Causes and Cures
Ignacio García Salvadores
This article analyses the European Commission's (EC's) near-abandonment of interim measures (IMs) in EU competition law, notwithstanding their express basis in Article 8 of Regulation 1/ 2003. It evaluates the effectiveness and efficiency of the Commission's interim-measure decisions, identifies the legal, procedural, and institutional factors behind their decline, and proposes avenues for revival. Drawing on doctrinal analysis, an effectiveness–efficiency framework, and comparative practice among National Competition Authorities (NCAs) , the article shows that IMs were generally effective when used but were discouraged by procedural delay, strict evidentiary standards, and institutional risk aversion. It argues that restoring IMs requires not new powers, but a more flexible and confident use of existing ones.

Artikler fra Antitrust Law Journal

Intet nyt.

Artikler fra Antitrust Bulletin

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Damage Quantification in Exclusionary Abuse Cases
Peter L. Ormosi, Jorge Padilla, and Joe Perkins
The last decade has witnessed a changing scene of exclusionary abuse cases. As a result, competition authorities around the globe are now investigating new forms of exclusionary abuse in fast-evolving markets. These changes inevitably affect our understanding of the harm caused by exclusionary conduct and how redress is sought. Although there are many academic and practitioner papers on estimating damages in cartel and excessive pricing cases, they have limited applicability to exclusionary cases. This paper provides an overview of the main considerations that should apply in damage quantification in exclusionary abuse cases. We do this by giving a detailed account of the main characteristics of damage claims in these cases, reviewing the theories of harm and, building on these theories, discussing possible counterfactuals and methods for estimating the magnitude of harm.

Another Look at Antitrust Deterrence in Europe
Pietro Crocioni
If competition policy interventions failed to substantially deter anticompetitive behavior, their overall impact on consumer welfare would be limited to remedying consumer harm only in the behavior detected and punished. This is likely to be modest. Therefore, effective deterrence must be the ultimate goal of competition policy. An antitrust authority has control of many, but not all, levers to ensure the potential perceived likely punishment can act as a sufficient deterrent. This article builds on the existing literature and the current approach in Europe and suggests that antitrust authorities should try to maximize the use of all the relevant elements of antitrust punishment to ensure that optimal deterrence could be achieved.

The Battle Royale of Platform Regulation: Judge, Jury, Regulator—Lessons from the *Epic Games* Cases
Thorsten Zippan
This paper examines an antitrust dispute in the mobile gaming sector: Epic Games' "Project Liberty" challenge to app store restrictions and mandatory in-app payment systems for its game Fortnite. Claims were brought against both Google and Apple in two very similar cases that, despite their parallels, produced completely different outcomes in the U.S. courts. The paper further highlights the contrasting logic of the European Union's Digital Markets Act (DMA), which establishes proactive obligations for gatekeepers to prevent harm before it occurs. The analysis demonstrates how similar cases may produce divergent results depending on the interaction between ecosystem architecture (closed vs. contractually restricted) and whether they are adjudicated by judges, juries, or proactive regulators. Building on these observations, it contributes to the antitrust debate by examining which model most effectively ensures fairness, fosters innovation, and protects consumer welfare in digital markets, considering the perspectives of developers, platform owners, and consumers.

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 2, 2026:

Unravelling the Mosaic:
The Evolving Landscape of Below-Threshold Merger Enforcement Post-Illumina/Grail
Alexander Westin-Hardy
The EU Merger Regulation's turnover-based thresholds are ineffective for capturing 'killer' acquisitions by strong incumbents of nascent competitors in digital and pharmaceutical sectors. In the absence of legislative reform, the European Commission and national Member State competition authorities have attempted to fill this 'enforcement gap' by expansive application of existing frameworks to review non-reportable transactions, including: (i) the European Commission's revised and expanded Article 22 EU Merger Regulation referral policy encouraging referral of deals falling below both EU and Member State thresholds by Member States without original jurisdiction (subsequently reversed by the landmark European Court of Justice [ECJ] judgment in Illumina/Grail); (ii) increasing national call-in powers (adopted by 9 of 27 Member States), which may also form the basis for Article 22 referral to the European Commission (pending appeal in Nvidia/Run:ai); (iii) the application by Member State authorities of ex post antitrust provisions under Articles 101 and 102 TFEU to merger enforcement following the ECJ's Towercast ruling; and (iv) the Digital Markets Act. While each of these approaches has practical limitations, their patchwork application has narrowed the 'enforcement gap' and indirectly frustrated several problematic transactions. This increased flexibility has, however, come at the price of legal certainty and predictability. Post-Illumina/Grail, merging parties continue to face a burdensome and evolving mosaic of below-threshold merger enforcement that requires departure from traditional notification thresholds to assess filing obligations and antitrust risk.

Regulatory Compliance as Shield?
Article 102 TFEU, Sector Regulation and Private Enforcement in An Increasingly Layered EU Economy
Alex Wanninger
The EU's competition and regulatory acquis is increasingly characterised by layering: Article 102 TFEU applies alongside dense sector regulation, while private enforcement has matured into a central part of the EU competition law system. Yet the practical interface remains contested. Can regulatory compliance immunise dominant undertakings against abuse claims? Do sector regimes re-allocate decisional authority in a way that constrains national courts from hearing damages actions? Drawing on the internal logic of Article 102 as a discipline-preserving and gap-filling norm, this article argues that regulatory compliance can be relevant but cannot become a shield. It situates that claim within the literature on competition law and economic regulation, including debates on regulatory displacement, the Bronner threshold in regulated sectors, margin squeeze doctrine and private enforcement in network industries. The core contribution is a structured framework for (i) separating substantive from institutional overlap, (ii) identifying when regulatory determinations should exert procedural gravitational force (stays, cooperation, evidentiary weight), and (iii) preserving the primacy and effectiveness of EU competition rules, particularly where private enforcement is at stake. The framework is tested against regulated access pricing disputes in rail, essential-facility-like access in airport groundhandling, and the emerging ex ante digital regime under the Digital Markets Act. The revised framework shows that legal certainty is best served not by immunity, but by disciplined translation: regulation supplies inputs, constraints and evidence for Article 102 analysis without replacing the abuse inquiry or making private rights contingent on prior sectoral illegality findings.

Mapping Sovereignty and Competition Concerns Along the Generative AI Value Chain

Kalpana Tyagi
Competitive, technological and data advantages in the platform economy have offered leading digital firms, such as Google, Amazon, Meta, Microsoft and Apple (GAMMA), a competitive lead in the generative AI race for supremacy. Recent innovations by the large digital players, such as the 'word vectors' and 'transformers' by Google and innovative developments in graphics processing units by Nvidia, have contributed to rapid developments in the industry. Emerging champions in generative AI are either the incumbent digital gatekeepers or, if a new entrant (OpenAI), have benefited richly from the support provided by the current gatekeepers. Discernibly, a handful of digital oligarchs repeatedly influence each successive wave of innovation and design standards for the critical technological infrastructure. This contribution decodes the complex value chain of generative AI and maps how these competition concerns also qualify as digital sovereignty along the digital stack. The discussion looks at the AI infrastructural layer and self-preferencing in search. Appreciation of the underlying policy rationale of a regulatory measure can facilitate more effective implementation. The discussion maps generative AI on the competition law and Digital Market Act's regulatory landscape, and illustrates the latter's hitherto implicit sovereignty goal, alongside its more widely accepted pursuit of fairness and contestability.

Competition Challenges in Albania's Telecommunications Market:
Interplay Between the Albanian Competition Authority and the Electronic and Postal Communications Authority
Fjoralba Caka, Jonida Rystemaj
Albania's telecommunications sector has undergone significant transformation over the past two decades due to market liberalisation, rapid technological advancement, as well as legal reforms undertaken as an obligation to align domestic law with the EU acquis. The Electronic and Postal Communications Authority is the national authority responsible for the development of Albania's electronic communication market by fostering competition, ensuring interoperability and improving access to telecommunications services. Whereas the institution responsible for the enforcement of competition law is the Albanian Competition Authority, which, under its mandate, investigates and decides cases also in the telecommunications sector. Both bodies operate within a legal framework that is continuously being harmonised with the EU acquis. However, despite the alignment of Albania's legislation with EU competition and electronic communication rules, anti-competitive practices continue to persist in the telecommunications market. An additional concern is the interaction between these institutions in ensuring effective competition within the sector. This article focuses on competition in Albania's telecommunications market, using selected cases to highlight the main challenges and regulatory issues.

Artikler fra Communications Law

Intet nyt.

Artikler fra Computer and Telecommunications Law Review

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Patchwork vs framework: US and EU AI regulation compared, and the compliance choices facing cross-border business
Janine Anthony Bowen
Abstract: Compares the approach of the EU and US to AI regulation, with the EU emphasising product safety and fundamental rights protection and the US relying on a patchwork of state laws, sector enforcement and voluntary technical frameworks with a consumer protection bias. Highlights the compliance implications for cross-border business transactions.

UK GDPR's new "recognised legitimate interest" lawful basis - UK ICO guidance confirms legitimate for public interest, not general commercial use
Emma Flett
Abstract: Reviews the UK Information Commissioner's Office (ICO) guidance on the new "recognised legitimate interest" lawful basis for processing personal data under the UK GDPR, introduced by the Data (Use and Access) Act 2025, allowing controllers to process personal data for five public interest purposes: public task disclosure responses, national security, emergencies, crime prevention and safeguarding.

Extraterritorial jurisdiction and digital assets: legal responses to cross-border cyber-crime
Nigerian Bar Association
Abstract: Examines how states assert extraterritorial jurisdiction over cross-border cybercrime involving cryptocurrencies, looking at regulatory strategies in the US, EU, UK and more particularly Nigeria. Highlights obstacles to enforcement and

recommends the development of specialised bilateral and multilateral co-operation agreements adapted to digital asset investigations, regulatory reciprocity for virtual asset service providers, institutionalised public-private partnerships and harmonised global regulatory standards.

Alleged unlawful disclosure of medical data: Wysokinski v OCS Security Ltd - Court of Appeal rules judge was right to transfer to the County Court claim wrongly issued in the District Registry (Case Comment)
Rohan Massey
Abstract: Comments on Wysokinski v OCS Security Ltd (CA) on whether a judge had been entitled to transfer a data protection and human rights claim, wrongly issued in the District Registry rather than the King's Bench Division, to the County Court pursuant to CPR r.53.4(2).

The regulatory implications of the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law
Professor Francesco Rizzuto
Abstract: Analyses the regulatory implications of the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, comparing it with Regulation 2024/1689 on artificial intelligence (Artificial Intelligence Act). Looks at Italy's Law 32/2025 on AI Regulation, the first national AI regulatory framework in Europe aligning the AI Act and the Convention.

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

Intet nyt.

Artikler fra Market and Competition Law Review

Intet nyt.

Andre udenlandske artikler

Intet nyt.

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