



Konkurrenceretlig Nyhedsoversigt nr. 114 / dækkende 22. juli 2026 – 20. august 2026

Indhold

1. Dansk ret

- Nyt fra Konkurrence- og Forbrugerstyrelsen
- Nyt fra Konkurrencerådet
- Nyt fra Konkurrenceankenævnet
- Nye afgørelser fra domstolene
- Lovforslag i høring
- Ny lovgivning
- Nyt fra Ankestyrelsen
- Andet

2. Europæisk og international ret

- Nyt fra Kommissionen
- Kommisionsafgørelser
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- Artikler fra Ugeskrift for Retsvæsen
- Nye publikationer fra Erhvervsministeriet
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- Konkurrenceretlige emner
- Anden dansk/nordisk litteratur

4. Litteratur (UK)

- European Competition Law Review
- European Competition Journal

- Journal of Competition Law and Economics
- Journal of Antitrust Enforcement
- Journal of European Competition Law and Practice
- World Competition
- Antitrust Law Journal
- The Antitrust Bulletin (US Journal)
- Competition Law & Policy Debate
- Competition Law Scholars Forum
- Journal of Regulatory Economics
- International Review of Law and Economics
- Competition Law Journal
- European Competition and Regulatory Law Review
- Communications Law
- Computer and Telecommunications Law Review
- Global Competition Litigation Review
- Market and Competition Law Review
- Andre udenlandske artikler

5. Nyt fra konkurrencegruppen



1 | DANSK RET

Nyt fra Konkurrence- og Forbrugerstyrelsen

Kirk Kapitals overtagelse af European Stonecraft og Danske Stenhuggerier er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.

[Læs mere](#)

Dato: 11/08/2026

Lexit Group Denmarks overtagelse af Norris Print-Tech er godkendt

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

[Læs mere](#)

Dato: 17/08/2026

Nyt fra Konkurrencerådet

Intet nyt.

Nyt fra Konkurrenceankenævnet

Intet nyt.

Nyt fra domstolene

Civilretlige afgørelser

Intet nyt.

Straffesager

Sø- og Handelsretten: Tirstrup 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: 03/08/2026

Sø- og Handelsretten: Nibe 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: 10/08/2026

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

Intet nyt.

Mergers

Commission opens in-depth investigation into proposed merger between Saipem and Subsea7

The European Commission has opened an in-depth investigation to assess, under the EU Merger Regulation, the proposed merger between Saipem and Subsea7 to become "Saipem7".

[Læs mere](#)

Dato: 22/07/2026

Commission approves Paramount's acquisition of Warner, subject to conditions

The European Commission has approved, under the EU Merger Regulation, the proposed acquisition by Paramount Skydance Corporation ('Paramount') of Warner Bros. Discovery ('Warner'). The approval is conditional upon full compliance with the commitments offered by Paramount.

[Læs mere](#)

Dato: 22/07/2026

State Aid

Public consultation on the European Commission's draft Communication amending the Guidelines on regional State aid

The Commission is launching a public consultation on a draft amendment to the Guidelines on regional State aid, which entered into force in 2022. These Guidelines implement Article 107(3)(a) and (c) TFEU, defining the legal framework for State aid that supports regional development and territorial cohesion. Section 7 sets out the criteria for identifying areas that qualify for such aid; based on those criteria, Member States should notify a regional aid map to the Commission, to be approved by Commission decision, before any aid is granted, whether under the Guidelines or the General Block Exemption Regulation. The current maps apply from 1 January 2022 – 31 December 2027. To allow aid beyond 2027, new maps for 2028-2034 need to be drawn up.

This consultation seeks stakeholders' views on the proposed amendment that will enable Member States to design the new maps for the period 2028-2034.

[Læs mere](#)

Commission invites comments on draft new rescue and restructuring State aid guidelines

The European Commission has launched a public consultation on the draft of new Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty ('Rescue and Restructuring Guidelines').

[Læs mere](#)

Dato: 24/07/2026

Commission approves €54 million Luxembourgish State aid for road and rail transport firms facing increased fuel prices

The European Commission has approved a €54 million Luxembourgish State aid scheme to support road transport and rail freight companies facing increased fuel prices due to the Middle East crisis.

[Læs mere](#)

Dato: 24/07/2026

**EU State aid rules enable social support and investments, new Commission guidance shows**

New guidance from the European Commission shows how State aid rules allow EU Member States to provide social support and social investment. This guidance assists Member States in designing State aid measures for social support and social investment, as set out in the Clean Industrial Deal.

[Læs mere](#)

Dato: 27/07/2026

Commission approves €149 million Swedish State aid for agricultural, fishing and aquaculture companies facing increased fuel and fertiliser prices

The European Commission has approved a €149 million (SEK 1.6 billion) State aid scheme for agricultural, fishing and aquaculture companies facing increased fuel and fertiliser prices due to the Middle East crisis.

[Læs mere](#)

Dato: 28/07/2026

Commission seeks feedback on proposed amendments to regional State aid guidelines

The European Commission has launched a public consultation inviting all interested parties to comment on its proposal to amend the Guidelines on regional State aid to keep them up-to-date.

[Læs mere](#)

Dato: 28/07/2026

Commission opens in-depth investigation into arbitration award ordering Romania to pay compensation to ten energy investors

The European Commission has opened an in-depth investigation to assess whether an arbitration award ordering Romania to pay compensation to ten investors for changes to a renewable electricity support measure is in line with EU State aid rules.

[Læs mere](#)

29/07/2026

Commission approves €290 million Dutch State aid to support sustainable aviation fuels

The European Commission has approved, under EU State aid rules, two Dutch schemes with a combined budget of €290 million to support sustainable aviation fuels ('SAF'). The schemes will contribute to the objectives of the Clean Industrial Deal

[Læs mere](#)

Dato: 31/07/2026

Commission approves €59 million Slovenian State aid scheme to promote battery energy storage systems

The European Commission has approved a €59 million Slovenian State aid scheme to promote battery energy storage systems, in line with the objectives of the Clean Industrial Deal. This measure will contribute to the transition towards a net-zero economy.

[Læs mere](#)

Dato: 31/07/2026

Commission opens in-depth State aid investigation into arbitration award ordering Spain to pay compensation to JGC Holdings Corporation

The European Commission has opened an in-depth investigation to assess whether an arbitration award ordering Spain to pay compensation to JGC Holdings Corporation ('JGC') for changes to a renewable electricity support measure is in line with EU State aid rules.

[Læs mere](#)

Dato: 04/08/2026

Andet**Commission fines Google €890 million for breaches of the Digital Markets Act**

Today, the European Commission took two decisions finding non-compliance by Google with the DMA for self-preferencing its own services on Google Search, and for putting in place restrictions on businesses to direct consumers to alternative, often cheaper, purchase channels on Google Play (steering).

[Læs mere](#)

Dato: 23/07/2026



Nyt fra EU-domstolen

Domme

Intet nyt.

Forslag til afgørelse

Intet nyt.

Kendelse

Intet nyt.

Andet nyt fra EU-domstolen

Intet nyt.

Andet internationalt nyt

Intet nyt.

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 9, 2026:

Editorial: Notify, notify, notify (Editorial)

Gavin Murphy



Abstract: Considers the court order for disclosure obtained by the Canadian competition authority in the investigation into Merieux NutriSciences' completed acquisition of Bureau Veritas' food testing business. Analyses the competition authority's post-closing powers over non-notifiable mergers.

Call-in powers and Article 22: tensions with the Illumina principles

Riccardo Fadiga

Abstract: Considers Illumina Inc v European Commission (C-611/22 P) (ECJ) on the expansion of jurisdictional scope through Regulation 139/2004 art.22 referrals and examines the tension between national call-in merger control regimes across EU Member States and the principles of legal certainty and predictability under EU law.

The implications of the CD Tondela and Others ruling for the application of Article 101(1) TFEU to by-object anti-competitive agreements in the field of professional football and beyond

Francesco Rizzuto

Abstract: Analyses Liga Portuguesa de Futebol Profissional (LPFP) v Autoridade da Concorrência (C-133/24) (ECJ), also known as CD Tondela, on the legality of a no-poach agreement between Portuguese professional football clubs during the COVID-19 pandemic, and examines the ruling's implications for anti-competitive by object agreements pursued in exceptional circumstances.

Competition opens the books: the Italian inquiry on the school publishing sector, with a focus on its digital architecture

Luca Arnaudo

Abstract: Reports on the Italian Competition Authority's 2025 fact-finding inquiry into the school textbook publishing sector, focusing on restrictive end-user licensing arrangements for digital editions, platform interoperability failures, and constraints on secondary markets.

When seemingly objective criteria can be selective: recent developments in the interpretation of selectivity in state aid law and their broader implications

Jakub Kociubiński

Abstract: Analyses the General Court ruling in Carpatair SA v European Commission (T-522/20 RENV) (GC) on the interpretation of the selectivity criterion in EU state aid law, examining whether a system of published airport charge discounts designed around ostensibly objective eligibility criteria might nonetheless constitute selective aid.

Czech Republic: competition - infringement - abuse of buyer power

Tomáš Fiala

Abstract: Reports on the Czech Competition Office's CZK 4.8 million fine imposed on OBI Ceska republika s.r.o. for abusing buyer power by imposing extended payment terms on agri-food suppliers.

Denmark: mergers - merger control

Jens Munk Plum

Abstract: Reports on the first merger case called in by the Danish Competition and Consumer Authority, in which OneMed A/S and Kirstine Hardam A/S abandoned their proposed merger following pre-notification discussions. Considers the implications for the scope and deterrent effect of the call-in mechanism.

Finland: anti-competitive practices - infringement

Suzanne Simon-Bellamy

Abstract: Reports on the Finnish Competition and Consumer Authority's proposal that the Finnish Market Court impose penalties of EUR 9.4 million on five companies for operating a wild berry buyer cartel and unlawfully exchanging commercially sensitive information on prices.

Finland: competition - reform - draft proposal

Suzanne Simon-Bellamy

Abstract: Notes the Finnish Government's draft proposal to strengthen competitive neutrality rules governing public and private economic activity. Proposes new obligations on public bodies to assess and document competitive market activities.

Finland: procurement - legislation - reform

Suzanne Simon-Bellamy



Abstract: Reports on amendments to Finnish law on public procurement and concession contracts, introducing a minimum 10 per cent ownership requirement for reliance on the in-house exemption, mandating re-running of open procedures attracting a single tender, and establishing lot division as the default for larger procurements.

Germany: competition - reform - mergers

Dr Ingo Klauß

Abstract: Reports on the German Government's draft 12th Amendment to the law against restraints of competition, proposing increases to merger control turnover thresholds, an extended domestic nexus criterion, a new pre-notification procedure for transaction value cases, and procedural reforms.

Netherlands: consumer protection - infringement - misleading practices

Jotte Mulder

Abstract: Looks at the Dutch Competition Authority's imposition of a EUR 270,000 fine on an online auction platform for deploying an algorithmic bidding bot in its own auctions, misleading consumers as to the identity of competing bidders and distorting price formation across more than 70,000 lots.

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

Jotte Mulder

Abstract: Reports on the Dutch Competition Authority's imposition of cartel fines on construction companies for coordinating bid prices in a municipal civil engineering tender, preventing genuine competition. Notes the application of the leniency programme.

Netherlands: mergers - merger control - acquisition - telecoms sector

Jotte Mulder

Abstract: Reports on the Dutch Competition Authority decision to prohibit the acquisition of part of DELTA Fiber Network's fibre optic networks by Glaspoort (a KPN/APG joint venture), because the merger would reduce infrastructure competition from three to two operators in affected areas.

Netherlands: consumer protection - judgment - misleading commercial practices (Case Comment)

Jotte Mulder

Abstract: Notes the Dutch Trade and Industry Appeals Tribunal decision in Volkswagen AG v Authority for Consumers and Markets to annul the competition authority's fine on the car manufacturer for misrepresenting the cars' diesel emissions, because Volkswagen had already been sanctioned in Germany for the same material facts.

Portugal: competition - proposed legislation - private passenger transport

Guilherme Oliveira e Costa

Abstract: Notes the Portuguese Competition Authority's recommendations on proposed law reforms concerning ride-hailing services for app-based private passenger transport. Considers the competitive impact of numerical caps and geographic restrictions on market access in the Azores and Madeira.

Romania: competition - merger control - decision - acquisition - retail consumer sector

Cristina de Jonge

Abstract: Reports on the Romanian Competition Council conditional approval for the Schwarz Group to acquire Supermarket La Cocos SA, with commitments concerning pricing and the business model.

Romania: competition - merger control - decision - acquisition - courier sector

Cristina de Jonge

Abstract: Reports on the Romanian Competition Council conditional approval for the courier Sameday to acquire Cargus and its subsidiary Eops, with commitments concerning existing customers and the network of lockers.

South Africa: competition - judgment - restrictive business practices (Case Comment)

Richardt van Rensburg

Abstract: Comments on the Competition Appeal Court judgment in Cape Gate (Pty) Ltd v Competition Tribunal setting aside a tribunal decision on the grounds of extraordinary delay, impermissible delegation of adjudicative responsibility, procedural unfairness, and inadequate engagement with material evidence.

Spain: competition - judgment - restrictive business practices - cartel - electric cables (Case Comment)

Pedro Callol



Abstract: Notes the Spanish Supreme Court ruling on Top Cable's appeal against a fine of EUR 6.6 million imposed by the competition authority for participation in an electrical cables cartel. Identifies methodological errors in the calculation of the fine relating to the weighting of individual participation and the treatment of inactive periods.

Spain: competition - competition compliance

Pedro Callol

Abstract: Examines the Spanish Competition Authority's updated Guide on Competition Compliance Programmes, drawing a clearer analytical distinction between fine mitigation and exemption from public sector contracting prohibitions, and tying both benefits to the ex ante implementation and demonstrable effectiveness of a compliance programme.

Sweden: competition - judgment - restrictive business practices - healthcare sector (Case Comment)

Stefan Perván Lindeborg

Abstract: Comments on the Swedish Patent and Market Court judgment in Min Doktor on an agreement between online healthcare providers not to bid on each other's trade mark search terms on Google, which the Competition Authority asserted constituted a restriction by object.

Turkiye: competition - judgment - decision - restrictive business practices - cosmetic and personal care sector (Case Comment)

Av. Dr. Gönenç Gürkaynak, Esq.

Abstract: Comments on the Turkish Administrative Court judgment in CHI Kozmetik İthalat İhracat Sanayi ve Ticaret AS and the Competition Board's revised decision, concerning the calculation of fines for resale price maintenance.

USA: competition - judgment - governance - power of US President to remove FTC Commissioners without cause (Case Comment)

Anthony P. Badaracco

Abstract: Comments on the US Supreme Court judgment in Trump v Slaughter on the US President's power to dismiss Federal Trade Commission (FTC) commissioners at will, because the FTC was an agency created by Congress but exercised executive powers, and commissioners were accountable to the President.

Artikler fra European Competition Journal

Volume 22, issue 2, 2026

When algorithmic pricing becomes a problem: FIFA World Cup ticket pricing and consumer welfare.

Das, Ronnie

The article focuses on the pricing model of the 2026 FIFA Men's World Cup tickets, highlighting FIFA's use of algorithmic demand-based dynamic pricing combined with control over ticket resale. For the first time, 48 teams will compete across North America, with FIFA applying variable pricing that led to significant price increases—up to nearly \$11,000 for final match seats—far exceeding previous tournaments. The article argues that in this monopolistic, fixed-capacity market, dynamic pricing does not clear the market but instead transfers consumer surplus to FIFA, especially as FIFA controls both primary sales and resale through its own platform with added fees. A test framework is proposed for competition authorities to assess when such pricing and resale control by a dominant seller becomes abusive, emphasizing transparency, market alternatives, and proportionality in enforcement.

A framework for effective public enforcement of cartels: a study of four Nordic countries.

Barlund, Ingrid Margrethe Halvorsen; Harrington, Joseph E.; Sørgard, Lars

The article focuses on the framework and effectiveness of public cartel enforcement in the four largest Nordic countries—Denmark, Finland, Norway, and Sweden—across three key stages: detection; investigation, prosecution, and conviction; and penalization. It highlights that while these countries have harmonized cartel prohibitions largely aligned with EU and EEA rules, differences remain in enforcement instruments, organizational structures, and sanctioning powers. The analysis finds that detection relies heavily on complaints from rival firms rather than customers or leniency applications, which are relatively low compared to other jurisdictions, potentially weakening enforcement. Investigation practices such as dawn raids are common, but Sweden experiences a high rate of overturned decisions on appeal, and penalization is generally weak, with corporate fines often low and individual sanctions rarely applied, limiting deterrence. The article concludes with policy recommendations emphasizing the need to increase corporate fines, strengthen individual sanctions (including director disqualification), enhance leniency programs, improve access to procurement data for screening, and better coordinate enforcement efforts to improve overall cartel deterrence in the Nordic region.

Towards an effective merger control policy in a dynamic context.

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



Jeanjean, François; Ciriani, Stéphane

This article shows that dynamic efficiency gains should be better considered in merger control policy, especially in innovative sectors where they are very high and play an essential role. Neglecting those effects leads to serious mistakes in merger assessment (type-1 [Type-1 error relates to erroneously considering anti-competitive a merger which is in reality pro-competitive.]) to the detriment of industry and consumers alike. Starting with the Cournot model with homogeneous products and adding investment in marginal cost reduction, we show that mergers increase firms' investment and reduce marginal costs. These dynamic efficiency gains add to any static efficiency gains, like synergy and economies of scale. If the total efficiency gains are large enough, they can lower prices and benefit consumers. Technical progress increases the dynamic effects and makes mergers much more likely to be pro-competitive.

Between army and market – can increased defence spending result in concealed state aid to undertakings active in both civilian and military markets?

Kociubiński, Jakub

One of the means by which Europe is responding to current security challenges is through expanding defence production capacity. This area is characterised by a constant process of technological progress and adjustment to ever-changing battlefield conditions, with many civilian technologies being used in combat with little or no adaptation. One element of building a robust European defence industry is to enable civilian companies with technologies of potential military application to diversify into the arms market. Funding of defence-related production falls outside State aid law. As an increasing number of undertakings are simultaneously engaged in manufacturing goods for both civilian and military markets, the analysis focuses on whether financing the latter operations may confer an unmarketlike advantage on the former component. Consequently, the paper addresses the question of whether there exists – and, if so, how significant – a loophole for granting concealed State aid outside its control system.

Multiple tools to enhance competition in public procurement.

Iossa, Elisabetta; Calini, Clara; Catenazzo, Alessandra

Well-functioning competitive procurement is essential to reach efficiency of public services and public spending. Drawing from the experience of the Italian competition authority (AGCM), this paper argues that fostering competition in public procurement is most effective when employing a diverse range of tools. First, identifying the functioning of compensatory mechanisms that result in anomalous bidding behaviour, as well as diversifying the sources of information, is important for effectively prosecuting bid rigging ex post and helping contracting authorities detect anticompetitive conduct. Second, ex ante advocacy contributes to enhancing the competence of public buyers, helping them design pro-competitive procurement processes. Third, adopting legality rating systems incentivizes compliance with competition law and also helps select the most efficient bidder. The paper makes these points whilst reviewing enforcement practice.

The competition law assessment of innovation – issues, solutions and best practices.

Actis Perinetti, Patrick

The importance of innovation has grown exponentially in the last decades: initially relevant only to the highly technologic electronic sectors, it has now spread across all industries, often changing dramatically our way of living. This radical change has also been mirrored in the competition law setting: innovation is increasingly shifting, in many industries, from being one among many competitive parameters to the dominant lever. For this reason, competition authorities must be prepared to correctly deal with innovation and to embed the assessment of innovation within the competitive analysis. This particularly in light of the challenges that the inherent features of innovation – its long time-to-market and uncertainty – brought inevitably with them. This paper provides an analysis of the competitive relevance of innovation, of the most important related issues of a competitive assessment of innovation, and, at the same time, aims at identifying possible solutions to the various issues of such assessment.

The Commission's Art.102 TFEU guidelines: consolidation or creation?

Auer, Dirk; Radic, Lazar

In August 2024, the European Commission released revised Draft Guidelines on the application of Article 102 TFEU to abusive exclusionary conduct by dominant firms. This paper assesses the Guidelines through the lenses of legality and clarity—core to ensuring predictable enforcement and consistent litigation outcomes. We argue that the Guidelines use convoluted language to support a tenuous reading of the case law, risking ambiguous interpretations of Article 102 and influencing market behaviour in ways that may contradict the law's intent. Although they claim to codify the jurisprudence of the Court of Justice, the Guidelines depart from it by selectively reading in presumptions of illegality while downplaying effects analysis. In doing so, they reflect the Commission's preferred policy stance rather than settled law. These shifts push the Guidelines beyond the proper bounds of soft law, creating legal uncertainty and increasing the likelihood of conflict with the Court.

Failing to deter: analysing Spain's ineffective antitrust measures and cartel activities.



Fornaris Valls, Ignacio

This paper critically examines the effectiveness of Spain's antitrust measures in deterring cartel behaviour. Despite aligning with EU standards, Spain's penalties for anticompetitive practices have proven ineffective. An analysis of sanctions imposed reveals that both the 2009 Communication and the post-2015 framework fail to deter cartel formation effectively. Corporate fines often do not exceed the expected benefits of collusion, undermining their deterrent function. While increasing fines might enhance effectiveness, such measures risk unintended consequences, including firm insolvency and reduced market competition. Therefore, implementing complementary sanctions could serve as a valuable addition. While Spain's enforcement system already includes fines for individuals and bidder exclusion, these measures face significant challenges. The lack of detailed definitions and the absence of clear guidelines on the subjects considered liable make imposing these fines more difficult. Additionally, the bidder exclusion mechanism was not properly transposed into Spanish legislation, leading to its temporary suspension by the National High Court pending resolution of appeals.

Artikler fra Journal of Competition Law and Economics

Intet nyt.

Artikler fra Journal of Antitrust Enforcement

Intet nyt.

Artikler fra Journal of European Competition Law and Practice

Strasbourg calling—ECtHR grand chamber rules in Dutch competition wiretap case

Stijn Huijts and Sam Wolters

Fishing with a big net inevitably results in bycatch. Similarly, when law enforcement taps a company's phones, they often discover evidence of (alleged) legal violations unrelated to their original investigation that may well be relevant for other public authorities. How this 'bycatch' is shared with other authorities can lead to interesting legal issues, as authorities must weigh the company's right to privacy against the public interest.¹

The Grand Chamber of the European Court of Human Rights ('ECtHR') recently weighed in on these issues in *Ships Waste Oil Collectors B.V. and Others v the Netherlands [GC]*.² This is a rare instance where the ECtHR had the opportunity to weigh in on two Dutch competition law investigations. Specifically, the Court addressed the circumstances under which authorities can transmit data collected in a criminal investigation to competition authorities in compliance with the right to privacy under Article 8 of the European Convention on Human Rights ('ECHR').

Dato: 22/07/2026

Merger control amid market evolutions and shocks: what the EU Merger Guidelines should say

Volker Nocke and others

Tariffs, geopolitical disruptions, and artificial intelligence (AI)-driven productivity shifts are reshaping competitive conditions across industries, yet merger control guidelines are largely silent on how such shifts should affect the standard for merger approval. The European Commission's draft merger guidelines, published on 30 April 2026 and currently open for public comment, are the most comprehensive overhaul of EU merger control in over two decades.¹ For the first time they explicitly incorporate resilience and geopolitical risk as relevant factors in merger assessment. They also extend the treatment of anticipated future market conditions well beyond what the 2004 Horizontal Merger Guidelines contained—which was limited to adjusting market shares for foreseeable entry, exit, or expansion. The draft guidelines propose a structured analysis covering temporary shocks such as trade conflicts or health emergencies, non-representative market conditions, and the forward-looking adjustment of competitive assessments more broadly.² These are genuinely important steps. But the draft's treatment of cost and demand shifts—changes in supply or demand conditions that alter the competitive baseline—remains incomplete. Recent theoretical results clarify why this matters;³ here, we relate those results to the draft merger guidelines and draw out their policy implications.

Dato: 22/07/2026

Reining in Apple: *Kent v Apple* and the evolution of collective competition enforcement in digital markets in the UK

Michael Raff

Kent potentially represents a watershed moment for the English collective proceedings (CPO) regime and digital market enforcement in the UK. Doctor Rachael Kent's claim on behalf of roughly 36 million UK consumers alleged that Apple abused its dominant position in iOS distribution and in-app payment services, charging excessive commissions and



imposing exclusionary restrictions. Importantly, the case engaged not just the question of market power in digital ecosystems—a topic very much at the forefront of the modern antitrust enforcement debate—but also the credibility of the UK's CPO regime in managing large-scale, data-intensive litigation and ultimately delivering for consumers. This article seeks to trace the history of the UK CPO regime, including exploring its purposes and how it was developed. The focus will be on the details of the *Kent* judgment (which stands at a sizeable 396 pages), exploring the arguments testing the boundaries of dominance and abuse in a 'Big Tech' platform context. Particular attention will be paid to the Competition Appeal Tribunal's (CAT's) rejection of Apple's arguments around ecosystem competition.
Dato: 28/07/2026

China's guidelines for antitrust in the pharmaceutical sector: publication and enforcement

Qiang Yu

China's pharmaceutical industry covers 1.4 billion people and is comparable in industrial scale to that of the European Union (EU). China has also adopted antitrust laws similar to those of the EU. Nevertheless, in recent years the pharmaceutical industry in China has witnessed an explosion of anticompetitive practices. In 2024 alone, Chinese market operators were fined nearly 1.8 billion yuan (approximately 320 million euros) for breaching antitrust laws through anticompetitive practices related to pharmaceuticals—nearly reaching a peak in such violations.¹ However, this trend began to decline in 2025, with penalties for antimonopoly cases amounting to 623 million yuan (approximately 100 million euros) in the first half of the year.² This was largely due to the implementation of the Pharmaceutical Antitrust Guidelines.
Dato: 31/07/2026

When iRobot met Amazon

Gabriel Baron and Jorge Padilla

Amazon/iRobot is a warning whereby *ex-post* shocks can expose the limits of current merger-control framework in assessing dynamic efficiencies. In innovation-intensive markets merger control can generate costly prediction errors when it undervalues acquisitions as routes to scale, investment, and exit, since blocking deals may also weaken entry incentives and operate in practice as a form of exit policy. Merger control should become more contestable, reflexive, and reversible, with dynamic efficiencies and incentive effects assessed as rigorously as foreclosure risks, and with remedies designed as adaptable when predictions prove wrong.
Dato: 03/08/2026

Should I stay or should I go? A comparative analysis of the regulatory design of competition law rules on interlocking directorates and their enforcement

Antonia Silva Rius

Over a century ago, Louis Brandeis—prior to his appointment as Justice of the US Supreme Court—asserted that interlocking directorates violated the fundamental principle that '*no man can serve two masters*'.¹ Interlocking directorates (hereafter, 'interlocking') occur when a person serves on the boards of two or more companies simultaneously. Generally, for competition law purposes, interlocking is categorized into two types: (i) vertical, where the companies involved operate at different levels of the distribution chain, such as a manufacturer and a distributor; and (ii) horizontal, where the companies are competitors.² This article focuses on the latter. The core of Brandeis' concerns has largely remained unchanged in competition authorities' minds across the globe, transcending time and borders. Despite the potential benefits to companies from a director's knowledge and experience, horizontal interlocking can raise both horizontal and unilateral competitive risks. These stem, essentially, from the ability to access (and use) commercially sensitive information of a rival firm.
Dato: 06/08/2026

Balancing sustainable development and uniform interpretation and enforcement of EU competition law: a comparative analysis of the Dutch and the French national competition authorities' approaches to sustainability agreements

Livia Labelle

The growing urgency of the climate crisis has compelled governments to integrate sustainability considerations into every sphere of policy, including competition law. Article 3(3) of the Treaty on European Union ('TEU') enshrines sustainable development as a priority for the EU, while the European Green Deal seeks to achieve climate neutrality by 2050.¹ Yet, as companies pursue cooperative initiatives to reduce emissions, ensure animal welfare, or promote ethical supply chains, they often face a persistent tension between sustainability objectives and competition rules. This article examines how national competition authorities ('NCAs') interpret and apply EU competition law in this context. It compares the approaches of the Dutch *Autoriteit Consument & Markt* ('ACM') and the French *Autorité de la concurrence* ('ADLC') regarding sustainability agreements under Article 101 of the Treaty on the Functioning of the European Union ('TFEU'). By contrasting these two jurisdictions, the article highlights how divergent interpretations of competition law may threaten the uniform interpretation and enforcement of EU competition law.



Dato: 14/08/2026

When it's about people not products—acqui-hires analysed under the EUMR

Lars Jonas Steinrück

The ever-changing landscape of competition brought some attention to specific kinds of acquisitions in the past years. Most noticeably to acquisitions in which large companies acquire small ones in order to prevent their potential growth to a position where they could challenge the large incumbent—usually referred to as 'killer acquisitions'.¹ But there is also a more recent development that gained some exposure to the public: the acquisition of talent. After early research on the topic was published in 2012,² attention was attracted anew by the case of Microsoft Corporation ('Microsoft') acquiring large portions of the talent pool of Inflection AI, Inc. ('Inflection').³

Such an acquisition of talent is also known as an acqui-hire,⁴ consisting of an undertaking hiring talent (the acquiring party) and the former employer of these employees (the originating party). This work assesses when an acqui-hire amounts to a concentration under Art. 3 EUMR.⁵ Furthermore, the difficulties in allocating turnover to such cases are discussed, and a brief overview over the substantial assessment is given.

Dato: 14/08/2026

Foreign subsidies control in the EU—2 years of practice

Helena Malikova and others

In recent years, a series of events has exposed the increasingly disruptive impact of foreign subsidies on competition and international trade. On several occasions, firms supported by foreign public authorities have acquired strategic assets or won contracts in the EU under unfair conditions, thanks to financial support unavailable to their European competitors, which are subject to State aid rules. One example of such a regulatory gap was the 2015 acquisition of the Italian tyre manufacturer Pirelli by ChemChina, facilitated by a preferential loan of 800 million euros and an equity injection of 533 million euros through a Chinese sovereign wealth fund.² This acquisition escaped any *ex ante* control at the time. Similarly, the acquisition of the German firm Vossloh by the Chinese railway group China Railway Rolling Stock Corporation (CRRC) in 2020 raised concerns. The German competition authority—in a decision approving the transaction—indicated that CRRC's virtually unlimited financial capacity, backed by the Chinese state, could distort competition in the long term if translated into predatory pricing strategies made possible by public subsidies.³ In the absence of an adequate EU-level legal instrument, such transactions could only be addressed in a fragmented manner.

Dato: 14/08/2026

Public interest factors in EU merger control: a counterbalance to the more economic approach?

Richard Bunworth

The adoption of the consumer welfare standard developed alongside the increased emphasis placed upon efficiency and economic reasoning in merger decisions. This is referred to as the European Union (EU) Commission's ('Commission') more economic approach and was a response to criticisms that EU competition law had become inconsistent.¹ The Commission had been accused of arriving at incongruous results and prioritizing the protection of competitors, both of which the consumer welfare standard was said to remedy.² This marked a significant departure in the Commission's approach, away from the pursuit of multiple goals and towards a singular notion of the welfare of consumers,³ which was very clearly grounded in economic welfare. Yet despite its prominence, the more economic approach and the consumer welfare standard have faced increased criticism, particularly as a result of rapidly concentrating markets and the inability of competition law to address this concentration. In particular, critics have pointed to the perceived fixation on price within the standard,⁴ to the exclusion of other factors deemed important by consumers when making purchasing decisions. In addition, it has been suggested that consumer welfare and economic efficiency are insufficient guiding principles for tackling the competitive perils of our age, which have undoubtedly assumed greater complexity since Bork's seminal book, *The Antitrust Paradox*, which introduced the consumer welfare conception to competition law.⁵ Indeed, this has been amplified by digital markets, platform power and ecosystems, and the onset of the AI race. Thus, while the solution to all antitrust problems may have been 'greater efficiency' in the 1970s, such a 'one-size-fits-all' approach appears discordant with modern understandings of what society should expect from markets.

Dato: 18/08/2026

Social mobility and competition law: a framework for stand-alone labour market theories of harm

Clement Mensah

Across the European Union (EU), the functioning of labour markets is increasingly under strain. Social mobility, in particular occupational mobility, is stagnant or declining in a majority of Member States.¹ And the EU is facing a worsening labour and skills shortage that concerns occupations of all qualification levels.² While competition law has traditionally maintained an arm's length relationship to social issues, recent developments signal a growing awareness of its potential contributions to societal outcomes. In the context of its Merger Guideline Review initiated in May 2025, the European Commission acknowledged that vibrant competition may indeed contribute to broader policy objectives, such



as labour market outcomes.³ Correspondingly, the new Draft Merger Guidelines published in April 2026 assert that EU merger control supports the EU's broader policy objectives by fulfilling its legal mandate to prevent mergers that result in a significant impediment of effective competition.

Dato: 20/08/2026

Artikler fra World Competition

Intet nyt.

Artikler fra Antitrust Law Journal

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Artikler fra Computer and Telecommunications Law Review

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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.

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.

Digital consumer redress after the ODR platform: the EU's consumer redress portal and the UK accreditation regime

Professor Dr Pablo Cortés

Abstract: Examines recent reforms to consumer alternative dispute resolution frameworks in the EU and the UK, focusing on the transition from the European Online Dispute Resolution (ODR) Platform to the EU's Consumer Redress Portal and the UK's new accreditation regime under the Digital Markets, Competition and Consumers Act 2024. Looks at the convergence and divergence between the schemes.

Conversion and cryptoassets: High Court draws the line in the case of Ping Fai Yuen v Fun Yung Li (Case Comment)

Sohail Ali

Abstract: Comments on Yuen v Li (KBD) on whether the tortious remedies of conversion and trespass to goods were available in respect of misappropriated cryptoassets. Examines the practical implications of the decision.

ICO fines water supply group £963,900 for security failures exposed by a serious cyber-attack

Rohan Massey

Abstract: Comments on the £963,900 fine imposed by the Information Commissioner's Office (ICO) on South Staffordshire Plc and South Staffordshire Water Plc for security failures following a cyber attack and data breach.

Helping hand or complete control? AI in recruitment in the EU And UK

Edward Machin

Abstract: Gives guidance, following the publication of the Information Commissioner's Office report "Recruitment Rewired", to employers on ensuring AI recruitment tools are compliant with EU and UK regulatory regimes, notably Regulation 2024/1689 on artificial intelligence (AI Act) and provisions in Regulation 2016/679 (GDPR) and the Data (Use and Access) Act 2025 on automated decision-making.

Artikler fra Global Competition Litigation Review

Intet nyt.

Artikler fra Market and Competition Law Review

Intet nyt.

Andre udenlandske artikler

Intet nyt.

5 | NYT FRA KONKURRENCEGRUPPEN

Ny bog. Christian Bergqvist har udgivet 2 udgave af bogen Fusionskontrol på forlaget Ex Tuto.

For nærmere se her: <https://www.extuto.com/#978-87-420-0069-4>

Derudover skal vi henlede opmærksomheden på denne event:

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

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

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

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