Konkurrenceretlig Nyhedsoversigt nr. 115 / dækkende 21. august 2026 – 14. september 2026

Indhold

1 | DANSK RET

Nyt fra Konkurrence- og Forbrugerstyrelsen

Apleonas overtagelse af Andersen & Heegaard er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Dato: 21/08/2026
Læs mere

Ubers køb af Dantaxi
Konkurrencerådet griber ind i fusionen mellem Uber og Dantaxi. Uber forpligter sig blandt andet til at frasælge en væsentlig del af Dantaxi igen. Uden indgreb var der risiko for, at fusionen ville føre til højere taxipriser, og at markedet ville blive domineret af én stor virksomhed.
Dato: 24/08/2026
Læs mere

Polar Seafood Greenlands erhvervelse af enekontrol over Polar Seafood Denmark er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Dato: 25/08/2026
Læs mere

Waterlands overtagelse af Norisol er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Dato: 26/08/206
Læs mere

Wolts ekskluderende og udnyttende misbrug af dominerende stilling
Konkurrencerådet har afgjort, at Wolt Danmark har overtrådt konkurrenceloven ved at misbruge sin dominerende stilling på tre forskellige måder. Wolts adfærd har gjort det svært for konkurrerende måltidsplatforme at vinde markedsandele. Samtidig har Wolt påtvunget restauranterne urimelige vilkår.
Dato: 26/08/2026
Læs mere

Bridgepoint Group plcs erhvervelse af UMag Solutions ApS er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling, idet fusionen på baggrund af de foreliggende oplysninger ikke giver anledning til indsigelser.
Dato: 28/08/2026
Læs mere

Serwiz' overtagelse af Kongsvang Cleaning & Facility er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Dato: 31/08/2026
Læs mere

Dansk Ejerkapitals overtagelse af Spring Family er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Dato: 08/09/2026
Læs mere

Accentures erhvervelse af enekontrol over Mjølner Informatics er godkendt
Konkurrence- og Forbrugerstyrelsen har godkendt fusionen efter en forenklet sagsbehandling.
Dato: 09/09/2026
Læs mere

Nyt fra Konkurrencerådet

Intet nyt.

Nyt fra Konkurrenceankenævnet

Kendelse af 27. august 2026, LandbrugsMedierne P/S mod Konkurrence- og Forbrugerstyrelsen
Konkurrenceankenævnet har stadfæstet styrelsens afslag på meroffentlighed.
Dato: 27/08/2026
Læs mere

Nyt fra domstolene

Civilretlige afgørelser
Intet nyt.

Straffesager
Intet nyt.

Lovforslag i høring

Intet nyt.

Ny lovgivning

Intet nyt.

Nyt fra Ankestyrelsen

Intet nyt.

Andet

Intet nyt.

2 | EUROPÆISK OG INTERNATIONAL RET

Nyt fra Kommissionen

Antitrust & Cartels:

Commission adopts EU Guidelines on exclusionary abuses of dominance
Dato: 03/09/2026
Læs mere

Mergers:

Commission sends Statement of Objections over proposed joint venture between UPM and Sappi
Dato: 26/08/2026
Læs mere

State Aid:

Commission approves €4.5 million German State aid for fishing and aquaculture companies facing increased fuel prices

The European Commission has approved a €4.5 million German State aid scheme for fishing and aquaculture companies facing increased fuel prices due to the Middle East crisis.
Dato: 21/08/2026
Læs mere

Commission approves German capacity mechanism of up to €35 billion to secure electricity supply
Dato: 02/09/2026
Læs mere

Commission approves €30 million Portuguese State aid for agricultural, fishery and aquaculture companies facing increased fuel and fertiliser prices
Dato: 02/09/2026
Læs mere

Commission approves €400 million German State aid to enhance insulin supply resilience
Dato: 09/09/2026
Læs mere

Andet:

Economic study on the dynamic effects of mergers
Volume 1 – Main report
Læs mere

Economic study on the dynamic effects of mergers
Volume 2 – Detailed literature review
Læs mere

Nyt fra EU-domstolen

Domme

C-809/24 - Trenitalia

Nøgleord:

» Præjudiciel forelæggelse – transport – forordning (EF) nr. 1370/2007 – offentlig personbefordring med jernbane – artikel 4, stk. 1, litra b) – obligatorisk indhold i kontrakter om offentlig trafikbetjening – kompensation for offentlig trafikbetjening – beregningsmetode – artikel 6, stk. 1 – forpligtelse til at overholde bestemmelserne i bilaget til denne forordning i tilfælde af indgåelse af en kontrakt om offentlig trafikbetjening uden forudgående udbud – dette bilags punkt 2, 5 og 6 – begrebet »rimelig fortjeneste« – operatøren af offentlig regional trafikbetjening med jernbane giver afkald på en rimelig fortjeneste i en overgangsperiode – dækning af samtlige omkostninger, som denne operatør har afholdt «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af 27. og 28. betragtning til og artikel 1, stk. 2, artikel 4, stk. 1 og 4, artikel 5, stk. 6, og artikel 6, stk. 1, i Europa-Parlamentets og Rådets forordning (EF) nr. 1370/2007 af 23. oktober 2007 om offentlig personbefordring med jernbane og ad vej og om ophævelse af Rådets forordning (EØF) nr. 1191/69 og (EØF) nr. 1107/70 (EUT 2007, L 315, s. 1) samt af punkt 2, 5 og 6 i bilaget til denne forordning, sammenholdt med artikel 14 TEUF, 93 TEUF og 106 TEUF.
Anmodningen er blevet indgivet i forbindelse med en tvist mellem Trenitalia SpA og Regione Liguria (regionen Ligurien, Italien) vedrørende beregningen af kompensation for offentlig trafikbetjening for førstnævntes levering af offentlig personbefordring med jernbane.

Dom:

Artikel 4, stk. 1, litra b), og artikel 6, stk. 1, i Europa-Parlamentets og Rådets forordning (EF) nr. 1370/2007 af 23. oktober 2007 om offentlig personbefordring med jernbane og ad vej og om ophævelse af Rådets forordning (EØF) nr. 1191/69 og (EØF) nr. 1107/70 samt af punkt 2, 5 og 6 i bilaget til denne forordning, sammenholdt med 27. og 34. betragtning til

nævnte forordning, skal fortolkes således, at disse bestemmelser ikke er til hinder for en kontrakt om offentlig trafikbetjening med jernbane, der fuldt ud dækker de omkostninger, som operatøren af offentlig trafikbetjening har afholdt i en overgangsperiode, der løber indtil indgåelsen af en ny kontrakt af lang varighed om den samme offentlige serviceforpligtelse, hvorved denne operatør giver afkald på en hensyntagen til en »rimelig fortjeneste« som omhandlet i disse bestemmelser ved beregningen af størrelsen af »[kompensationen] for offentlig trafikbetjening« som omhandlet i den nævnte forordnings artikel 2, litra g).
Dato: 10/09/2026
Læs mere

C-11/25 - Jelgavas valstspilsētas pašvaldība

Nøgleord:

» Præjudiciel forelæggelse – konkurrence – artikel 102 TEUF – misbrug af en dominerende stilling – begrebet økonomisk virksomhed – afgørelse, der henhører under udøvelse af offentlige myndighedsbeføjelser – en kommunes tildeling af retten til at levere en tjenesteydelse vedrørende håndtering af kommunalt affald – tjenesteyder, der er delvist ejet af kommunen «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 102 TEUF.
Anmodningen er blevet indgivet i forbindelse med en tvist mellem Jelgavas valstspilsētas pašvaldība (Jelgava kommune, Letland) og Konkurences padome (konkurrencerådet, Letland) vedrørende en afgørelse, hvorved sidstnævnte fastslog, at denne kommune havde misbrugt sin dominerende stilling i henhold til national konkurrenceret.

Dom:

Artikel 102 TEUF skal fortolkes således, at en beslutning truffet af en kommune om at tildele en juridisk person, som kommunen delvist ejer, ret til at levere tjenesteydelsen vedrørende håndtering af kommunalt affald, ikke henhører under udøvelse af økonomisk virksomhed.
Dato: 10/09/2026
Læs mere

T-1139/23 - Booking Holdings mod Kommissionen

Nøgleord:

(Competition – Concentrations – Market for online travel agencies in the hotel sector – Decision declaring the concentration incompatible with the internal market and the EEA Agreement – Guidelines on the assessment of non-horizontal mergers – Counterfactual scenario – Significant impediment to effective competition – Efficiencies)

Tvist:

By its action under Article 263 TFEU, the applicant, Booking Holdings Inc., seeks the annulment of European Commission Decision C(2023) 6376 final of 25 September 2023 declaring a concentration to be incompatible with the internal market and the functioning of the EEA Agreement (Case M.10615 – Booking Holdings/Etraveli Group), as found in Annex A1 to the application (‘the contested decision’).

Dom:

Dismisses the action; Orders Booking Holdings Inc. to bear its own costs and to pay those of the European Commission; Orders Etraveli Group AB to bear its own costs.
Dato: 09/09/2026
Læs mere

C-60/25 – Livronsa

Nøgleord:

» Præjudiciel forelæggelse – konkurrence – karteller – artikel 101, stk. 2, TEUF – aftaler, der er forbudt i medfør af artikel 101 TEUF, er ugyldige uden videre – forordning (EF) nr. 1/2003 – artikel 16, stk. 1 – afgørelser fra Europa-Kommissionen, hvorved der fastslås en overtrædelse af artikel 101 TEUF – disse afgørelsers bindende virkning for en national ret – samlet og vedvarende overtrædelse i sektoren for rentederivater i euro – aftaler og samordnet praksis, der har til formål at ændre de normale prissætningsmekanismer i denne sektor – tvist mellem en låntager og den långivende bank vedrørende gyldigheden af en rentesats, der henviser til Euribor-renten «

Tvist:

Anmodningen om præjudiciel afgørelse vedrører fortolkningen af artikel 101 TEUF og af artikel 16, stk. 1, i Rådets forordning (EF) nr. 1/2003 af 16. december 2002 om gennemførelse af konkurrencereglerne i [artikel 101 TEUF og 102 TEUF] (EFT 2003, L 1, s. 1).
Anmodningen er blevet indgivet i forbindelse med en tvist mellem SR og FT SpA, der er en bank, vedrørende gyldigheden af et vilkår i den aftale om et boliglån, som de har indgået, og som henviser til Euribor-renten (Euro Interbank Offered Rate) med henblik på fastsættelsen af rentesatsen for dette lån.

Dom:

Artikel 101, stk. 2, TEUF og artikel 16, stk. 1, i Rådets forordning (EF) nr. 1/2003 af 16. december 2002 om gennemførelse af konkurrencereglerne i [artikel 101 TEUF] og [artikel 102 TEUF] skal fortolkes således, at den afgørelse, hvorved Europa-Kommissionen har lagt til grund, at der foreligger et forbudt kartel i henhold til artikel 101, stk. 1, TEUF, og konstateret manipulation af en referencerentesats på et specifikt marked, for det første ikke medfører, at ethvert vilkår i en aftale, der henviser til denne rentesats, er ugyldigt uden videre, når denne aftale henhører under et andet marked, og parterne i den nævnte aftale ikke har deltaget i kartellet, og for det andet skal den kun tages i betragtning af en national ret, der skal træffe afgørelse om gyldigheden af et sådant vilkår, inden for de grænser, der vedrører overtrædelsens art samt den materielle, personlige, tidsmæssige og territoriale rækkevidde af denne overtrædelse, som fastslået i denne afgørelse, således at når det nævnte vilkår ikke er et element i denne overtrædelse, og den aftale, hvori det indgår, ikke er blevet indgået for at gennemføre eller give virkning til den konkurrencebegrænsende adfærd, der er omhandlet i den nævnte afgørelse, som vedrører et andet marked, end det marked, som denne aftale henhører under, kan den samme afgørelse ikke føre til, at et sådant vilkår er ugyldigt.
Dato: 09/09/2026
Læs mere

C-145/24 P - BdM Banca mod Kommissionen

Nøgleord:

» Appel – statsstøtte – støtte ydet af nationale myndigheder til en bank – Kommissionens afgørelse, hvorved foranstaltningen blev erklæret for statsstøtte, der er uforenelig med det indre marked – denne afgørelses ulovlighed – erstatningssøgsmål – artikel 340, stk. 2, TEUF – forældelsesfrist – EU-retlig bestemmelse, som har til formål at tillægge borgerne rettigheder – tilstrækkeligt kvalificeret tilsidesættelse – årsagsforbindelse «

Tvist:

Med sin appel har BdM Banca SpA, tidligere Banca Popolare di Bari SpA, nedlagt påstand om ophævelse af Den Europæiske Unions Rets dom af 20. december 2023, Banca Popolare di Bari mod Kommissionen (T-415/21, herefter »den appellerede dom«, EU:T:2023:833), hvorved Retten frifandt Kommissionen i det søgsmål, som appellanten havde anlagt i henhold til artikel 268 TEUF og artikel 340, stk. 2, TEUF med påstand om erstatning for den skade, der blev forvoldt efter vedtagelsen af Kommissionens afgørelse (EU) 2016/1208 af 23. december 2015 om statsstøtte SA.39451 (2015/C) (ex 2015/NN) ydet af Italien til Banca Tercas (EUT 2016, L 203, s. 1, herefter »Tercas-afgørelsen«).

Dom:

Den Europæiske Unions Rets dom af 20. december 2023, Banca Popolare di Bari mod Kommissionen (T-415/21, EU:T:2023:833), ophæves, for så vidt som det fastslås, at BdM Banca SpA ikke har godtgjort, at Europa-Kommissionen havde begået en tilstrækkeligt kvalificeret tilsidesættelse som omhandlet i artikel 107, stk. 1, TEUF. I øvrigt forkastes appellen. Europa-Kommissionen frifindes i BdM Banca SpA’s søgsmål, der er anlagt i henhold til artikel 268 TEUF, med påstand om erstatning for den skade, som banken har lidt som følge af vedtagelsen af Kommissionens afgørelse (EU) 2016/1208 af 23. december 2015 om statsstøtte SA.39451 (2015/C) (ex 2015/NN), ydet af Italien til Banca Tercas. BdM

Banca SpA og Europa-Kommissionen bærer hver deres egne omkostninger såvel i forbindelse med sagen i første instans som i forbindelse med appelsagen.
Dato: 03/09/2026
Læs mere

Forslag til afgørelse

C-285/25 – **Lurdos**

Nøgleord:

» Præjudiciel forelæggelse – konkurrence – erstatningssøgsmål i henhold til national ret vedrørende overtrædelse af konkurrenceretlige bestemmelser – forældelsesfrist – »follow-on-søgsmål« anlagt i forlængelse af en afgørelse truffet af Europa-Kommissionen – forældelsesfrist på et år efter offentliggørelsen af sammendraget af afgørelsen i Den Europæiske Unions Tidende – direktiv 2014/104 – anvendelighed – ingen fortolkning contra legem af national ret – effektivitetsprincippet – fortolkning anlagt af den øverste nationale domstol, som er bindende for de nationale retter – EU-rettens forrang «

Indledning:

Den private håndhævelse af konkurrenceretten ved erstatningssøgsmål vedrørende skader, der er opstået som følge af overtrædelser af konkurrenceretten, får stadig større betydning som det »andet ben« i håndhævelsen af konkurrenceretten ved siden af myndighedernes offentlige håndhævelse. I denne forbindelse har personer, der anlægger såkaldte »follow-on-søgsmål« i forlængelse af afgørelser truffet af konkurrencemyndighederne, en fordel i forhold til personer, der anlægger såkaldte »stand-alone-søgsmål«, for så vidt som førstnævnte kan støtte sig på myndighedernes konstateringer, når de redegør for de væsentlige elementer i overtrædelsen. Derfor er det af afgørende betydning for den effektive virkning af sådanne »follow-on-søgsmål«, at forældelsesfristerne efter myndighedernes afgørelser er tilstrækkelig lange til at give de skadelidte mulighed for efterfølgende at anlægge deres søgsmål. Direktiv 2014/104/EU om visse regler for søgsmål i henhold til national ret angående erstatning for overtrædelser af bestemmelser i medlemsstaternes og Den Europæiske Unions konkurrenceret (2) indeholder detaljerede bestemmelser om forældelsesreglerne for sådanne søgsmål. For så vidt angår søgsmål, som direktivet (endnu) ikke er relevant for, fremgår der dog allerede af artikel 101 TEUF og 102 TEUF, sammenholdt med effektivitetsprincippet, grundlæggende regler vedrørende de nationale forældelsesbestemmelser, som tilsigter, at disse bestemmelser ikke i praksis gør håndhævelsen af enhvers ret til erstatning umulig eller uforholdsmæssigt vanskelig. En situation, hvor direktiv 2014/104 ganske vist allerede finder tidsmæssig anvendelse, men i sidste ende endnu ikke er relevant som følge af forbuddet mod fortolkning contra legem af national ret, ligger til grund for den foreliggende anmodning om præjudiciel afgørelse fra Gyulai Törvényszék (retten i første instans i Gyula, Ungarn). Den rejser det spørgsmål, om en forældelsesfrist i forbindelse med konkurrenceretlige erstatningssøgsmål på et år fra offentliggørelsen i *Den Europæiske Unions Tidende* af sammendraget af Europa-Kommissionens afgørelse, hvorved den pågældende overtrædelse konstateres, opfylder kravet om effektiv håndhævelse af artikel 101 TEUF. Ved besvarelsen af dette spørgsmål kan Domstolen støtte sig på sin omfattende tidligere praksis vedrørende forældelse i forbindelse med konkurrenceretlige erstatningssøgsmål, navnlig dom af 28.3.2019, Cogeco Communications (3), af 22. juni 2022, Volvo og DAF Trucks (4), og af 18. april 2024, Heureka Group (Prissammenligningswebsteder) (5).

Forslag til afgørelse:

På baggrund af ovenstående betragtninger foreslår jeg Domstolen, at den besvarer anmodningen om præjudiciel afgørelse fra Gyulai Törvényszék (retten i første instans i Gyula, Ungarn) således:
»Artikel 101 TEUF, sammenholdt med effektivitetsprincippet, skal fortolkes således, at denne bestemmelse ikke er til hinder for en national lovgivning, hvorefter forældelsesfristen for så vidt angår erstatningssøgsmål anlagt i forlængelse af en afgørelse, hvorved Europa-Kommissionen fastslår en overtrædelse af EU-konkurrenceretten, udgør et år fra offentliggørelsen af sammendraget af denne afgørelse i *Den Europæiske Unions Tidende*. Det kan kun forholde sig anderledes, såfremt denne ordning, sammenholdt med de øvrige relevante – navnlig procesretlige – nationale bestemmelser, som følge af de særlige omstændigheder i det enkelte tilfælde i praksis gør det umuligt eller uforholdsmæssigt vanskeligt at udøve retten i henhold til artikel 101 TEUF til erstatning for den skade, der er opstået som følge af en overtrædelse af denne bestemmelse. Det tilkommer den kompetente ret at vurdere dette.«
Dato: 03/09/2026
Læs mere

Kendelser
Intet nyt.

Andet nyt fra EU-domstolen
Intet nyt.

Andet internationalt nyt

Merger assessment guidelines
The Competition and Markets Authority's (CMA) approach to assessing mergers.
Læs mere

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
Intet nyt.

Artikler fra European Competition Journal
Intet nyt.

Artikler fra Journal of Competition Law and Economics

Volume 22, issue 3, 2026:

What if Disruption Really Happens—Are Competition Law and Digital Regulation Fit for a New Era of AI-Driven Competition?
Jan-Frederick Göhsl
This paper explores the effect of AI-driven business models on competition in digital markets. It argues that although disruptive innovations are emerging, they may not lead to Schumpeterian creative destruction and improved market contestability. Newcomers' innovations often create new (market) demand ('new market disruption'), which they can control independently of incumbents. Therefore, following a disruption, it is possible that both the incumbent with its legacy service and the innovative newcomer will remain in the relevant market (segments). Consequently, after disruption, both incumbents and innovative challengers may coexist, potentially limiting contestability from two angles. This paper analyses, from a competition policy standpoint, whether and how competition law and digital regulation should address the behaviour of successful newcomers. It is argued that, in addition to competition law, the rules of the Digital Markets Act for newcomers set out in Article 17(4) DMA should be applied to protect the competitive process and prevent newcomers from engaging in practices that could lead to market tipping. However, it is also shown that neither the DMA nor competition law are currently fully equipped to deal with disruptive newcomers.

Cross Validation Methods in Antitrust Class Action Litigation
Badi H Baltagi and others
In antitrust class action lawsuits, judges or juries are often asked to make decisions based on the results of economic regression analysis. In this paper we show how out-of-sample prediction used as a method of cross validation can help evaluate model reliability. We apply this technique to two models, a pooled model and an unpooled, or "sub-regression" model, that are often presented at the class-certification stage of litigation. The sub-regression method, while unbiased, displays larger estimator variance. This variance is problematic because it increases the likelihood of a false negative whereby a subgroup improperly displays no overcharge due to the additional flexibility introduced by the sub-regression method. These groups, without an overcharge, can be the basis for rejection of class certification, but the cross-validation technique we employ shows the regressions producing these statistically insignificant results often produce poor out-of-sample predictions as well. We show that cross-validation techniques have the potential to introduce rigor to such empirical work in ways that are more reliable and relatively easier to understand for judges and juries, and we recommend them as useful model-selection tools when comparing pooled versus sub-regression models rather than goodness-of-fit statistics or a strict (reject/do not reject) Chow test for poolability.

The Settlement Reduction in EU Cartel Cases: DO Settling Parties Settle Up?
Jeroen De Ceuster
The European Commission has introduced a fixed reduction of cartel fines to incentivize undertakings to agree to settle cartel cases in the European Union. Several scholars have theorized that settling undertakings in fact receive a larger reduction through the cooperative nature of the settlement procedure. Existing research has not systematically explored how the European Commission exercises discretion in settlement procedures. This study addresses this gap by applying public choice theory to develop a theoretical framework why settlement procedures might provide undertakings with benefits that are not mentioned in the relevant legal framework. Next, it empirically tests this theory by examining cartel fine reductions as a form of settlement benefit. To test this theory, the study conducts an ordinary least squares regression on cartel fines imposed in the European Union from 2010 to 2024. Contrary to expectations, it indicates that a settlement procedure in itself is not associated with a decrease, but rather an increase of fines. This remains true even after controlling for legally relevant facts in the fine calculation. These findings underscore the necessity of further empirical research on how the settlement procedure may shape the content of cartel decisions and the broader benefits firms may derive from settlement.

Competition on the Merits—A New Role for an Old Concept for the Analysis of Exclusionary Abuse Under Article 102 TFEU
Helena Drewes and Tristan Rohner
The concept of 'competition on the merits' has appeared recurrently in prominent Article 102 TFEU cases such as *Intel, Google Shopping*, *SEN, Unilever,* and *Super League*, but is used in a vague and often unclear way. The goal of this paper is to review this 'old' concept—whose protection is the goal of Article 102 TFEU—and make it operable for an analysis of exclusionary abuse cases. While it might seem difficult to apply this concept in specific cases, it can provide the backbone of a 'sliding scale' that represents a matrix where certain criteria indicate that a behaviour is on the merits or not. The closer the conduct moves into one or the other direction, the less or more important an effects analysis becomes before competition law can intervene. If there is a strong indication that a conduct is non-meritorious, enforcement can rely on presumptions and there is less need to prove anti-competitive effects (and vice versa). This would combine the benefits of a form-based approach with the necessity of an effects analysis. This novel approach

suggested can lead to a more effective and efficient enforcement and should be emphasized more in the new Guidelines on Article 102 TFEU.

The Most Interesting Failed Merger Proposal You've Never Heard Of—And the China Connection
Russell Pittman
In 2022, following the abandonment of a proposed acquisition of Maersk Container Industry by China International Marine Containers, the U.S. Department of Justice and the German Bundeskartellamt both publicly articulated competition concerns the deal had presented. This paper argues that in addition to more standard competition issues, the proposed acquisition raised other, specific issues regarding product market definition, the possibility of post-merger vertical foreclosure, and the role of the Chinese government in the container industry, not all of which were addressed in the announcements of the two enforcement agencies. This paper focuses on those three issues.

Early Evidence on The Effects of Open Mobile In-App Payment Systems from South Korea
Boyoon Chang and Keaton Miller
Mobile app platforms are highly concentrated—Apple and Google each distribute over 75% of the total number of apps installed on the relevant devices. These platforms generally require developers to use a built-in system for processing payments with a commission rate of 30% for both the initial purchase of an app and any subsequent in-app purchases. In September 2021, South Korea became the first country to ban this lock-in; purchases made in the country may be conducted through any billing system developers wish. We analyze the short-term impact of this policy change (and Apple's subsequent adaptation) on demand for apps and revenue using difference-in-differences techniques and data on apps offered through Apple's App Store from a leading app analytics firm from January 2021 to December 2022. We find no evidence that the policy change generated substantive changes in South Korea's app marketplace.

Monopolization in Europe: Understanding Dominance as an Ability
Rupprecht Podszun and Fiona Scott Morton
Over the past two decades, the European Commission's enforcement activities against abusive practices often came too late. Investigations only started when companies had already acquired a strong dominant position. It proved difficult to restore competition. In this paper, we advocate an earlier intervention, namely when undertakings start to monopolize markets. This is possible under Article 102 of the Treaty on the Functioning of the European Union without legislative amendment by returning to the original definition of dominance and placing less emphasis on market shares. In line with cases like Hoffmann-LaRoche, dominance must be defined as the ability to steer the market into a direction that is detrimental to competition and trading partners. This will allow authorities to investigate the behaviour of firms at an earlier point of time, which is particularly valuable in markets prone to tipping.

Artikler fra Journal of Antitrust Enforcement

Intet nyt.

Artikler fra Journal of European Competition Law and Practice

Intet nyt.

Artikler fra World Competition

Volume 49, issue 3, 2026

Balancing Efficiencies in EU Merger Control
Ruben Verdoodt
Efficiencies are a component of the overall appraisal of a merger under EU merger control. They may be balanced against the anti-competitive effects and convince the Commission that a merger would not harm consumers. While efficiencies are expected to play a central role in the renewed merger control framework of the EU, key questions remain unresolved. The article first zooms in on the challenge of balancing between different types of efficiencies and between different consumers. Particular attention is paid to the notion of consumer groups and its implications for more accurate and inclusive enforcement. Next, the article discusses the balance of evidentiary burdens and clarifies some misconceptions regarding the distinction between the standard of proof and the quality of the evidence. By reviewing the draft text of the new Merger Guidelines in light of existing case-law, the article identifies critical inconsistencies and proposes a more coherent approach for the balancing of efficiencies.

Self-Preferencing: The Zelig of Competition Policy in Digital Markets
Giuseppe Colangelo, Geoffrey A. Manne
Self-preferencing is often described as a ubiquitous feature of digital markets. The emergence of artificial intelligence (AI) services is expected to further intensify attention and concerns regarding the strategies that large online platforms may adopt to grant preferential treatment to their own products and services. As a result, policymakers and competition authorities worldwide have embarked on a hunt for this perceived new menace, launching an ever-growing array of regulatory measures and antitrust probes. Yet, at this stage, no one has been able to draw a clear profile of the wanted, as a wide range of distinct practices seem to fit the description. Like a perfect Zelig, self-preferencing appears everywhere because it resembles everything. Against this background, the paper argues that the significance of self-preferencing has been largely overstated. First, self-preferencing does not exist as a distinct legal or economic concept: it is merely a catch-all label describing a mild form of vertical integration that encompasses a variety of practices already addressed under existing competition law provisions. Second, the notion is far from novel as similar conduct and strategies have long been standard practice among traditional brick-and-mortar retailers. Finally, the economic literature provides evidence that such practices are not necessarily detrimental to consumer welfare, suggesting that blanket prohibitions would be unjustified.

The Collapse of Net-Zero Alliances Under Antitrust Divergences
Amedeo Manca
The year 2025 marked the collapse of the major net-zero financial alliances. Since their creation, these forms of cooperation in capital markets have been subject to antitrust scrutiny, which varies significantly across jurisdictions. In the US, such alliances have been assessed as potential anticompetitive boycotts of the fossil-fuel industry, triggering investigations and litigation that has generated substantial legal uncertainty. Although the EU and the UK have adopted more accommodating approaches, divergences persist even from an intra-European perspective, both regarding the classification of net-zero coalitions and the assessment of out-of-market efficiencies. Through a comparative analysis of US, EU and UK, the paper argues that divergent antitrust approaches can significantly undermine sustainable finance initiatives, producing a serious chilling effect. To reduce this antitrust fragmentation, the paper underscores the importance of recognising broad out-of-market efficiencies and proposes a graduated assessment calibrated to the global benefits of sustainability agreements in capital markets. Against this backdrop, the use of soft law and greater international convergence between competition authorities may offer a viable path forward, although competition law must ultimately grapple with the varieties of capitalism.

EU Competition Law as Both a Sword and Shield in the Gig Economy
Helena Verhuyck
The rise of the gig economy has intensified the tensions between labour law and EU competition law. As platform workers are typically classified as self-employed, they slip through the meshes of labour law while they are simultaneously considered 'undertakings' under competition law. This article maps the different ways in which competition law intersects with platform labour markets and explores the role that competition law can play in addressing the gig economy's excesses, with a dual approach. First, it assesses the offensive use of competition law as a sword to discipline gig platform conduct under Articles 101 and 102 TFEU. While recent enforcement against wagefixing and no-poach agreements demonstrates a renewed focus on labour markets, the article shows that structural and evidentiary barriers continue to limit effective intervention. Second, the article explores the defensive function of competition law as a shield to protect platform workers from competition enforcement. It analyses Court of Justice of the EU (CJEU) caselaw, the Commission's 2022 Guidelines and the Platform Work Directive, situating them within a broader normative shift toward a socially attuned application of competition law. The article concludes that while competition law cannot substitute labour law, a labour-sensitive recalibration can meaningfully contribute to rebalancing power in platform labour markets.

Contemporary Challenges in the Development of Economic Competition and the Enhancement of Antitrust
Nairi Sargsyan
The aim of the research was to identify the challenges in the development of economic competition in Armenia and to formulate proposals for improving antitrust policy in line with international standards. The study employed a combination of comparative statistical analysis (specifically, the calculation of the Herfindahl-Hirschman Index (HHI) to assess the levelof market concentration) and institutional analysis based on the examination of the activities of the Competition Protection Commission of Armenia. A normative legal approach and case studies were additionally utilized, enabling the alignment of national antitrust policy with international standards and practices. It was established that small and medium-sized businesses in Armenia are a key factor in the competitive environment. The development dynamics of small and medium-sized enterprises (SMEs) from 2018 to 2024 revealed a steady increase in the number of entities from 64.3 thousand to 109.4 thousand, indicating a doubling of entrepreneurial activity over six years. The analysis of the HHI

confirmed pronounced sectoral polarization: the banking sector has a low level of concentration (HHI – 908), power generation – a moderate level (HHI – 2,034), while the mobile telecommunications segment is characterized by high concentration (HHI – 4,784). An assessment of the effectiveness of Armenia's antitrust policy was conducted based on the analysis of the legislative framework and the activities of the Competition Protection Commission. It was established that between 2020 and 2024, the regulator significantly intensified its supervisory measures: notably, in the case of Alex Holding LLC, a fine of AMD 24.7 million was imposed for abuse of a dominant position, and in 2024, fines totalling over AMD one billion were levied for collusion in the fuel market. It was determined that enhancing the effectiveness of Armenia's antitrust policy necessitates the harmonization of national legislation with European standards. It is demonstrated that the implementation of leniency programmes, which have an effectiveness of 60–70% in detecting cartel agreements in Germany and France, and the reform of the fining system in accordance with the principles of the European Commission, will significantly improve the outcomes of antitrust investigations in Armenia.

Artikler fra Antitrust Law Journal

Intet nyt.

Artikler fra Antitrust Bulletin

Intet nyt.

Artikler fra Competition Law and Policy Debate

Intet nyt.

Artikler fra Competition Law Scholars Forum

Intet nyt.

Artikler fra Journal of Regulatory Economics

Intet nyt.

Artikler fra International Review of Law and Economics

Volume 87, 2026

Tradition or tragedy: Arranged marriages and domestic violence
Weidong Tian, Dongli Cao, Xiting Zhuang
We examine the causal effect of arranged marriage on domestic violence (DV) against women in China. Using data from the second wave of the Chinese Women's Social Status Survey (2000), we document a significant positive association between arranged marriage and women's exposure to DV. To address potential endogeneity, we exploit the regional prevalence of arranged marriages among older cohorts as an instrumental variable (IV). The IV estimates confirm a causal link between arranged marriages and DV. Our findings remain robust to the inclusion of additional controls, alternative samples and outcome measures, and bounding tests. Mechanism analysis suggests that arranged marriages may induce violence by eroding women's intra-household bargaining power, reinforcing traditional gender norms, and impairing marital communication quality. Furthermore, we document that arranged marriage is positively associated with men's DV victimization as well. Nevertheless, parents may derive substantial benefits from this marital institution, including reduced financial burdens, ensured patrilineal continuity, and greater access to old-age support from their children.

Judicial panel selection and strategic behaviour in the Indian Supreme Court: Measuring the performance of Chief Justices
Madhav S. Aney, Shubhankar Dam, Giovanni Ko, Aditi Raman
Chief justices of India are unique institutional actors. They possess administrative powers that other judges lack. As the Masters of Roster, chief justices appoint panels that adjudicate petitions. How do they exercise this power? Our analysis unmasks Indian chief justices as strategic actors. Data on panel selection over two decades demonstrates how chiefs deploy two strategies as they approach retirement. First, they convene discretionary panels that disproportionately favour governments. Second, they adjudicate more in favour of governments. Indian chief justices, in this context, resemble

those of Canada, South Africa, and similar jurisdictions. Besides, they are more likely to secure post-retirement jobs from governments. Cumulatively, this analysis shows why the power to select panels is too awesome – its impact too material – to confine it to lone office holders.

The cognitive underpinnings of judicial bias: The role of social identity and prospect theory
Daniel L. Chen, Jimmy Graham, Manuel Ramos-Maqueda, Shashank Singh
Under what conditions do judges favor their own group? Collecting the available universe of Superior Court decisions in Kenya, we leverage the random assignment of cases to judges to evaluate the extent of judicial in-group bias along gender and ethnic lines. We find that defendants are 4 or 6 percentage points more likely to win if they share the judge's gender or ethnicity, respectively, and that judges are significantly more biased in favor of defendants than plaintiffs. Our findings highlight the need to re-examine the emerging consensus that judges uniformly favor their own group and continue investigating the mechanisms driving judicial bias. We propose that the uneven application of bias is consistent with a framework combining social identity and loss aversion, and we present suggestive evidence from data on the amount of damages in each case. We argue that this framework offers one plausible lens through which to interpret the cognitive underpinnings of judicial bias, and that further work is needed to establish its general applicability.

Constitutional law and economics
Robert D. Cooter, Michael D. Gilbert
This article addresses constitutional law and economics, an emerging field that aspires to do for constitutional law what economic analysis did for private law. The economic analysis of law proceeds in three modes—positive, normative, and interpretive—and we emphasize the interpretive mode, which is new to many economists and paramount to constitutional lawyers. We consider six fundamental processes that make and sustain constitutions—bargaining, voting, delegating, entrenching, adjudicating, and enforcing—and we examine the first two in detail. Bargaining theory, built on the Coase Theorem, yields the internalization principle: assign power to the smallest unit of government that internalizes the effects of its exercise. We apply this principle to federalism, arguing that the General Welfare Clause of the U.S. Constitution authorizes Congress to address interstate externalities. Voting theory, built on the median voter theorem and the problem of intransitivity, yields two conceptions of democracy: median democracy and bargain democracy. We apply these ideas to the single subject rule for ballot initiatives, showing that proposals should be divided when voters' preferences are separable and combined when they are inseparable. Our analyses of the General Welfare Clause and the single subject rule demonstrate the *incentive principle of interpretation*, which holds that the correct interpretation of an unclear law provides the best incentives for fulfilling its purpose. We conclude that economics can illuminate and influence constitutional law only if economists take interpretation seriously and do not assume legal purposes reduce to efficiency.

Beyond markets and hierarchies: Williamson's legacy and the frontiers of institutional analysis
Jean Beuve, Alexandre Mayol, Simon Porcher, Stéphane Saussier
More than fifteen years after Oliver E. Williamson's 2009 Nobel Prize, this article takes stock of transaction cost economics and maps its future. Drawing on a bibliometric analysis of 67,841 papers citing Williamson's work between 1975 and 2025, we document a research programme that is neither exhausted nor unchanged: the share of citing papers that engage substantively with the framework (deploying core transaction-cost concepts rather than citing Williamson in passing) has fluctuated within a narrow band of three to five per cent for three decades, yet its conceptual centre of gravity has migrated from vertical integration and hierarchies toward outsourcing and hybrid governance, and its geography has shifted beyond the North-American founding generation. Building on this evidence, we propose two research agendas for the next fifteen years: a dynamic reformulation of the framework, in which governance transitions and transaction costs themselves become objects of strategic design, and an extension to the frontiers where these dynamics are most acute, from decarbonisation infrastructure and outcome-based contracting to geopolitical fragmentation and contract automation.The six contributions gathered in this special issue put this agenda to work, combining a reassessment of Williamson's conceptual legacy with applications to contemporary governance problems in environmental regulation, procurement, local public services, bidding markets, and municipal finance.

Artikler fra Competition Law Journal

Volume 25, issue 1, 2026

The rise of expert slates in competition litigation cases in the United Kingdom
George Charlson
The use of slates of experts from different academic disciplines has been a relatively recent trend in competition litigation cases in the United States. In these cases, experts in, e.g., behavioural economics, computer science, intellectual

property and app development, have been employed alongside more traditional competition economists and damages experts on behalf of both claimants and defendants. Recent judgments by the Competition Appeal Tribunal in *Kent v. Apple* and *Le Patourel v. BT* show that the CAT is receptive to the use of such experts in appropriate circumstances. This article examines the use of expert slates in those two cases and *US v. Google* (2020) to illustrate how experts of different disciplines can be used in a way that is mutually reinforcing. This article also analyses two recent Practice Directions made by the CAT which provide additional insight into how it might resolve the trade-off between keeping litigation costs down and the insights provided by experts from different disciplines.

The economics of efficiencies in merger assessments
Lucien Frys
This article examines the treatment of efficiencies against the backdrop of competition authorities' growing interest in integrating industrial policy objectives into merger control. Although efficiencies are formally recognized under the UK and EU merger regimes, they have so far had limited influence on clearance decisions. The article considers whether, and how, economic tools can be used to account for efficiencies in merger assessments, focusing on three categories: economies of scale, innovation, and out-of-market efficiencies. In doing so, it draws on the economic literature and on merger cases from a range of jurisdictions.

Expert evidence in UK competition litigation: a tale of candour and concision
Nina Jayne Carroll
In the ever-evolving landscape of UK competition litigation, the independence of expert witnesses, expert collaboration and procedural efficiency remain paramount. This article considers some notable, recent judgments of the Competition Appeal Tribunal, highlighting the on-going judicial appetite for concise, transparent and truly independent expert evidence. It also reflects on the increased willingness of UK Courts to critique experts in terms that can carry reputational and case-management consequences. This article discusses how these recent judgments have been echoed in Practice Direction 3/2025 of the Tribunal and what these developments mean for the future conduct of competition cases – as expert credibility remains in the spotlight.

Inflation expectations, investment, and innovation: assessing UK and EU merger control's macroeconomic turn
Grace Murray
Merger control in the UK and EU is increasingly framed as a means of promoting competitiveness and economic growth, extending beyond its traditional focus on preventing harm to competition and consumer welfare. This article examines whether, and to what extent, merger control is institutionally well suited to advancing three macroeconomic objectives now emphasized by policymakers: managing inflationary pressures and expectations, attracting investment, and fostering innovation through dynamic competition assessment. Drawing on economic theory, institutional design, and recent case law, it argues that while political discourse, policy, and soft law developments increasingly position merger control as a growth-supporting instrument, its institutional architecture may limit its capacity to deliver these outcomes directly. In practice, attempts to mobilize merger control in pursuit of these aims reveal trade-offs between predictability, flexibility, and the assessment of inherently uncertain dynamic effects. The article concludes that merger control's most durable contribution to economic growth remains indirect, through maintaining competitive market structures that support growth over time.

Dealmaking in times of uncertainty – navigating Europe's evolving merger control, FSR, and FDI regimes
Rosie Richardson
This article examines how the EU Merger Regulation, the Foreign Subsidies Regulation, and the EU FDI screening framework are reshaping the governance of mergers and acquisitions in Europe. It argues that EU competition policy is becoming more politically embedded, as deal reviews increasingly reflect concerns around strategic autonomy, economic security, resilience, and industrial policy. This does not signal a move away from rigorous legal or economic analysis or towards more arbitrary decision-making, but rather the emergence of a more cumulative and layered regulatory framework. The article considers recent developments in merger control, the FSR, and FDI screening and argues that, for companies pursuing transactions in Europe, securing approval increasingly requires not only strong legal and economic arguments but also a broader public affairs and communications strategy that anticipates the concerns of regulators, policymakers, investors, customers, and the media and explains how the transaction contributes to Europe's wider policy objectives.

Failing to succeed: the exiting firm scenario in CMA counterfactual assessments
Phoebe Hirst
In the last two years, there has been a substantial increase in the Competition and Markets Authority's consideration and acceptance of the exiting firm scenario in its counterfactual assessments. This article explores these recent cases and any such learnings that can be taken from them, including whether a less restrictive CMA approach is here to stay.

Bronner is dead, long live Bronner – the characterization of essential infrastructure under the Bronner doctrine
Alan Zheng
Courts and enforcers have taken inconsistent and unprincipled approaches to the anterior question in a *Bronner* 'essential facilities' analysis: at what level of generality must essential infrastructure be characterized? This article argues that an overbroad characterization of infrastructure as being 'essential' risks leaving dominant undertakings with an open-ended duty to deal, undermining the normative justification for the *Bronner* doctrine, whilst an overly narrow characterization might supplant the text of Article 102 TFEU and produce an expansive safe harbour that weakens the utility of the prohibition on the abuse of dominance more broadly. This article traces the emergence of the 'reservation binary', the proposition that the *Bronner* conditions apply only where a dominant undertaking has exclusively reserved an infrastructure for the needs of its own business, from its origins in the regulated monopoly context to its more recent extension in the digital platforms context in *Google Shopping*, *Android Auto* and *Kent v. Apple*. This article then considers issues in the application of the 'reservation binary' and ultimately suggests a mode of characterization that recognizes the underlying property rights at play.

Artikler fra European Competition and Regulatory Law Review

Intet nyt.

Artikler fra Communications Law

Volume 31, issue 3, 2026:

R (the University of Sussex) v the Office for Students (Case Comment)
Peter Coe
Abstract**:** Notes R. (on the application of University of Sussex) v Office for Students (Admin) on whether the Office misapplied the concepts of freedom of speech and academic freedom when fining the university £585,000 in relation to its Trans and Non-Binary Equality Policy Statement, which it held contravened regulatory requirements.

#Ad - evaluating the advertising regulations in influencer marketing: with reference to cases from the ASA and empirical research to analyse the effectiveness of the law
Mia Moohan
Abstract**:** Assesses the adequacy of rules governing the disclosure of influencer advertisements under the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) and the Advertising Standards Authority (ASA) regulations for social media adverts.

The duties of media service providers under the European Media Freedom Act (Legislative Comment)
Andras Koltay and Tamas Szikora
Abstract**:** Describes the duties imposed on media service providers by Regulation 2024/1083 (European Media Freedom Act) art.6, covering ownership transparency requirements, the establishment of national media ownership databases, and measures to strengthen editorial freedom and independence.

Australia has already banned social media for under 16s - here's what the UK can learn from the experience
Lisa M. Given
Abstract**:** Examines the shortcomings of Australia's under-16 social media ban, noting the eSafety Commission's compliance report findings of four compliance issues. Considers lessons the UK may draw from Australia's experience.

Case note (Case Comment)
Adham Harker
Abstract**:** Discusses Rodoy v Optical Express Ltd (KBD) on whether emails sent to patients who had complained about their laser eye surgery, informing them that a campaigner they cited was a fraudster trolling the company and its staff, seriously harmed the campaigner's reputation. Addresses questions of truth and qualified privilege.

Interim relief and the defamation rule (Case Comment)
Abstract**:** Examines Tooley v Times Media Ltd (KBD) on whether an interim injunction could be obtained to restrain a newspaper from continuing to publish an allegedly defamatory article where the claim was originally brought in libel and malicious falsehood, but was subsequently reframed as a claim for misuse of private information and breach of confidence.

Meaning, fact or opinion (Case Comment)
Abstract**:** Considers Currie v Soho Theatre Co Ltd (CA) on whether the wording of a theatre's press release, alleging that audience members were targeted by a comedian "because they were Jewish", constituted an allegation of fact or an expression of opinion

The nub of the claim and reputational harm (Case Comment)
Abstract**:** Examines Smith v Copestake (KBD) on whether to grant an interim injunction to prevent the dissemination of online content relating to a venture capital company by an employee who was dismissed for gross misconduct, where the main aspect of the claim related to harassment, breach of confidence and unlawful interference, with libel as a secondary element. Notes the court's assessment of reputational harm to the claimant.

Meaning and online reviews (Case Comment)
Abstract**:** Examines TWH Legal Services Ltd (t/a B&L Solicitors) v Niazi (KBD) on whether online reviews posted by a former law firm employee were defamatory in meaning and imputed dishonesty and fraud against one of the firm's solicitors.

Artikler fra Computer and Telecommunications Law Review

Volume 32, issue 7, 2026:

AI agents and agentic AI: an overview
Vik Khurana
Abstract**:** Discusses agentic AI and AI agents, providing definitions and looking at: operational mechanisms; risk factors including agency and autonomy; legal governance implications; and best practices for contracting, procurement and oversight.

AI ethics: court overturns arbitration decision (Case Comment)
Barry Sookman
Abstract**:** Reviews the Quebec Superior Court decision in Association des ressources intermédiaires d'hébergement du Québec (ARIHQ) v Santé Québec - Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal overturning an arbitrator's decision based on the use of generative AI in writing reasons for the decision which breached the maxim "he who decides must hear".

Centralising at EU level and simplifying the implementation of several of the harmonised rules in the EU AI Act to reduce the regulatory compliance burden on providers and deployers of AI systems: Regulation 2026/1744 amending EU AI Act (Legislative Comment)
Francesco Rizzuto
Abstract**:** Provides an overview of Regulation 2026/1744 intended to streamline certain aspects of Regulation 2024/1689 (AI Act). Assesses the implications of the Regulation for providers and employers of AI and asks whether the amendments are likely to achieve the stated aims of reducing and simplifying the regulatory burden and boosting the competitiveness of the EU economy.

EC computing, telecommunications and related measures
Quentin Archer, Hannah Schofield, Mary Foord-Weston and James Sharp
Abstract**:** Summarises the status of EC legislative measures on electronic communications, Directive 2002/22 (Telecoms Framework Directive), the Competitiveness and Innovation Framework Programme, electronic commerce, electronic signatures, network security, cybercrime, cybersecurity, the Information Society, technological development, telecommunications, broadcasting, satellite, intellectual property rights, data protection, and taxation.

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

Artikler fra Global Competition Litigation Review

Volume 19, issue 3, 2026:

Access to justice in opt-out collective claims for antitrust damages
Mihail Danov
Abstract**:** Considers the functioning of the UK opt-out collective actions regime in competition law proceedings, analysing recent CAT jurisprudence on certification and settlement approval, including the cost-benefit test, and examines the case for a modified approach, incorporating a social utility test.

Comparing the United States' Federal Trade Commission and the United Kingdom's Competition Appeal Tribunal
Heidi M. Silton
Abstract**:** Compares the competition enforcement institutions and processes of the UK Competition Appeal Tribunal and the US Federal Trade Commission, examining their different legal frameworks and enforcement powers, in the context of the UK Government's 2026 proposals for competition apparatus reform.

Blockchain forks: disruptive forces in decentralised governance and industry applications
Kirill A. Ryabtsev
Abstract**:** Examines blockchain forking as a governance event with significant consequences for private enforcement, analysing how fork-induced disruption operates across institutional, economic and legal dimensions, affecting cryptocurrency circulation, Web3, corporate governance, public procurement and smart contracts.

Germany: German Federal Supreme Court approves bundled cartel damage claims orchestrated by assignment vehicle - in principle (Case Comment)
Volker Soyez
Abstract**:** Considers the German judgment in Bundesgerichtshof (Financialright) (KZR 6/24) on the admissibility of bundled competition damages claims assigned to a registered collection body.

Germany: qualitative cartel damages quantification-methodology developed by Stuttgart's Higher Court of Appeals (Case Comment)
Volker Soyez
Abstract**:** Considers the Oberlandesgericht (Stuttgart) judgment on a novel five-step qualitative framework for estimating cartel-induced overcharges in follow-on damages litigation arising from the Bathroom Fittings Cartel.

Frankfurt Higher Regional Court takes maximalist approach to review of EU competition law award (Case Comment)
Gordon Blanke
Abstract**:** Comments on the German ruling in Oberlandesgericht (Frankfurt am Main) (32 Sch 3/25), in a dispute about a non-compete clause in a merger, on an application to set aside an arbitration award at the enforcement stage, for non-compliance with EU competition law.

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