

**Recent Developments in EU and EEA Competition Law
Norwegian Competition Authority – 28 May 2026
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Recent Developments in EU and UK Competition Law

1 May 2025 – 26 May 2026

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ARTICLES 101 AND 102: ENFORCEMENT AT EU LEVEL

ARTICLE 101 TFEU

1. *Horizontal agreements*

PENDING ARTICLE 101 HORIZONTAL CASES BEFORE THE COMMISSION

Current investigations of horizontal agreements:

- *Atlantic farmed salmon*: unannounced inspections, 19 February 2019; statement of objections sent to six undertakings 25 January 2024
- *Fragrance industry*: unannounced inspections, 7 March 2023 (in conjunction with the US, UK and Switzerland); appeal against inspection decision rejected, Case T-263/23 *Symrise v Commission*, 30 April 2025, EU:T:2025:417
- *Synthetic turf sector*: unannounced inspections, 7 June 2023
 - Fine of €172000 imposed on Eurofield SAS and its parent, Unanime SAS, for providing incomplete information in a response to an Article 18(3) RFI, 8 September 2025
 - Statements of objections sent 21 May 2026
- *Construction chemicals*: unannounced inspections, 17 October 2023 (in conjunction with the UK and Turkish authorities; the Commission has also been in contact with the DoJ)
- *New replacements tyres*: unannounced inspections, 30 January 2024; inspection decision partially annulled on appeal Case T-188/24 *Michelin v Commission*, 9 July 2025, EU:T:2025:686. Further inspections 18 June 2024 at a consultancy firm. Possible price coordination, 'including via public communications'
- *Financial services*: unannounced inspections of two firms in the financial services sector, 23 September 2024 (Nasdaq and Deutsche Börse)
 - Formal investigation opened 6 November 2025
- *Data centre construction sector*: unannounced inspections 18 November 2024; possible no-poach agreements

- *Ski equipment*: unannounced inspections 20 October 2025

Cartel decisions

- ***Online food delivery***

Commission decision of 2 June 2025 imposing fines of €329 million on two online food delivery companies (€223 million on Delivery Hero and €105 million on Glovo). Note the following:

- Infringement from 2018 to 2022
- Delivery Hero obtained a minority, non-controlling stake in Glovo which increased over the years
- The single continuous infringement included no-poach agreements, the exchange of commercially sensitive information and the allocation of geographical territories
- 44th settlement decision
- Non-confidential decision published

- ***Buscopan***

Commission decision of 4 July 2025 imposing a fine of €489,000 on Alchem for its participating in the SNBB price fixing and quota allocation case. There had been an earlier settlement decision in October 2023 involving six other companies and imposing fines of €13.4 million

- ***Car batteries***

Commission decision of 15 December 2025 imposing a fine of €72 million for cartelisation of the car battery market. Note the following:

- Three firms and a trade association, EUROBAT, fined
- Clarios not fined as the whistleblower

- Cartel lasted more than 12 years
- Collusion was based on published premiums related to the purchase price of lead
- One company's fine reduced due to inability to pay
- No fine on Dofin, a former owner of one of the cartellists, as it was not economically active in the preceding year
- Others allowed to pay their fines in annual pre-set instalments
- **Not** a settlement

- ***Informal guidance letters***
 - Joint purchasing and setting of technical specifications for electric container-handling equipment used in ports, encouraging a shift from diesel to electric equipment: 9 July 2025

 - Joint negotiation of licensing terms for the use of standard essential patents in the automotive sector: 9 July 2025

 - The Commission has also issued an opinion on the compatibility of a sustainability agreement with competition rules applicable in the agricultural sector: the agreement allows the setting of 'indicative' wholesale prices for wine produced in accordance with standards for organic and 'Haute Valeur Environnementale' wines: 15 July 2025

GENERAL COURT

- ***Bio-ethanol***
 - Case T-93/24 *Lantmännen v Commission*, judgment of 21 January 2026, EU:T:2026:33

Judgment rejecting Lantmännen's appeal that the Commission's use of the staggered hybrid settlement procedure had been unfair to it. Lantmännen has appealed to the Court of Justice, Case C-276/26, not yet decided

COURT OF JUSTICE

- ***Modafinil***

Case C-2/24 P *Teva Pharmaceuticals Ltd v Commission*, judgment of 23 October 2025, EU:C:2025:825

Judgment rejecting appeals by Teva and Cephalon in the Modafinil pay-for-delay case

- ***Air freight cartel***

Cases C-369/22 etc *Air France v Commission*, judgment of 26 February 2026, EU:C:2026:118

Thirteen appeals against the General Court's judgments in the *Air freight* case; all unsuccessful, except for a reduction of the fine in Case C-403/22 *SAS Cargo Group* EU:C:2026:133 due to an error in the determination of turnover for the purposes of assessing the fine. The fine was reduced from €70 million to €62.85 million

- ***Portuguese football during COVID***

Case C-133/24 *Liga Portuguesa de Futbol Profissional (LPFP) v AdC*, judgment of 30 April 2026, EU:C:2026:361

A reference from Portugal on the compatibility of an agreement on the (non)-hiring of footballers with Article 101 TFEU; Court essentially follows Opinion of AG Emiliou of 15 May 2025

2. *Vertical agreements*

COMMISSION DECISION

- ***Branded goods***

Fines of €157 million imposed on Gucci, Chloé and Loewe for resale price maintenance practices, 14 October 2025. This case was settled with significant reductions for cooperation; the procedure followed was inspired by the cartel settlements notice

GENERAL COURT

- *Clothing*

Case T-87/25 *Westfälisches Textilwerk Adolf Ahlers Stiftung & Co. KG v Commission*, 6 May 2026, EU:T:2026:316: judgment upholding the Commission's fine of €3.5 million on Ahlers in the *Pierre Cardin* decision

COURT OF JUSTICE

- *Beemster cheese*

- Case C-581/23 *Beevers Kaas BV v Albert Heijn België NV*, judgment of 8 May 2025, EU:C:2025:323

Judgment in a reference from Belgium on the interpretation of Article 4(b)(i) of Regulation 330/2010

ARTICLE 102

PENDING ARTICLE 102 CASES BEFORE THE COMMISSION

- *Public Power Corporation of Greece* – formal investigation of Greek wholesale electricity market launched 16 March 2021; statement of objections sent 7 February 2024; oral hearing 24 July 2024
- *Natural gas in Germany* – the Commission carried out unannounced inspections at the premises of several companies in Germany active in the supply, transmission and storage of natural gas, 31 March 2022
- *Energy drinks*: unannounced inspections, 21 March 2023
 - appeal by Red Bull against the inspection decision rejected, Case T-306/23 *Red Bull GmbH v Commission*, 15 October 2025, EU:T:2025:959; on appeal, Case C-865/25 P, not yet decided
 - appeal by Red Bull against Commission decision to refuse to pay legal costs of continued inspection in Brussels rejected, Case T-682/24 *Red Bull v Commission*, 22 April 2026, EU:T:2026:276
 - Investigation opened 13 November 2025
- *Medical devices for cardiovascular applications*: unannounced inspections, 19 September 2023
 - Case closed 16 February 2026
- *Animal health sector* – the Commission carried out unannounced inspections at a pharmaceutical company in Belgium, Zoetis, which is a global animal health company, because of possible abuse of a dominant position
 - Statement of objections sent 26 March 2024: acquisition of a late-stage pipeline product followed by termination of the development programme
- *EKO-KOM* – the Commission has sent a Letter of Formal Notice to Czechia that it may have infringed Article 106 in conjunction with Article 102 by appointing EKO-KOM as the only company authorised for the collection and recovery of packaging waste for over two decades, 11 June 2024

- *SAP* – the Commission has opened an investigation into possible anti-competitive practices by SAP in relation to maintenance and support services for its business management software, 25 September 2025
 - Commitments being market tested, 14 November 2025
- *Vaccines* – the Commission has conducted dawn raids on a firm in the vaccines sector in relation to possible disparagement contrary to Article 102, 30 September 2025
- *Meta* – the Commission has opened an investigation into Meta's policy regarding AI developers' access to WhatsApp, 4 December 2025
 - Statement of objections sent 9 February proposing interim measures
 - Supplementary statement of objections sent 15 April 2026
- *Google* – the Commission has opened an investigation into Google's use of online content for AI purposes (AI Overviews and AI Mode), 9 December 2025

COMMISSION DECISION

- *Google - Adtech & data-related practices*

Fine of €2.95 billion imposed on Google for abuse of a dominant position by favouring its own online display advertising technology services, 5 September 2025

Non-confidential decision published on DG COMP's website

On appeal Case T-794/25 *Google LLC v Commission*, not yet decided

COMMISSION COMMITMENTS DECISIONS

- *Cover glass*

The Commission has accepted commitments from Corning to ensure competition in the supply of cover glass for handheld devices, 18 July 2025

- *Microsoft teams*

The Commission has accepted commitments from Microsoft to bring an end to the tying or bundling of Teams with Office 365 and Microsoft 365, 12 September 2025

GENERAL COURT

- ***Intel chips***
 - Case T-1129/23 *Intel Corporation v Commission*, judgment of 10 December 2025. EU:T:2025:1091

Judgment reducing the Commission's fine of €376 million to €237 million in the *Naked restrictions* decision

COURT OF JUSTICE

- ***Google Android***
 - Case C-738/22 *Google and Alphabet v Commission*: Opinion of AG Kokott of 19 June 2025, EU:C:2025:463 recommending that Google's appeal should be rejected
- ***Copyright management***
 - Case C-161/24 *OSA*, judgment of 18 December 2025, EU:C:2025:985

Judgment in a reference from Czechia on the lawfulness of fees/trading terms and conditions of a copyright collecting society in that country

- ***Storage of automotive fuels***
 - Case C-245/24 *LUKOIL Bulgaria EOOD v Komisia za zashita na konkurentsiata*, judgment of 18 December 2025, EU:C:2025:987

Judgment in a reference from Bulgaria on the essential facilities doctrine in the context of the Bulgarian privatisation of the relevant infrastructure

- ***Wholesale market for fuel in Bulgaria***
 - Case C-260/24 *LUKOIL Bulgaria EOOD v Komisia za zashita na konkurenciata*, judgment of 18 December 2025, EU:C:2025:988

Judgment on aspects of the abuse of margin squeeze under Article 102

COMMISSION INITIATIVE ON GUIDELINES AND GUIDANCE ON EXCLUSIONARY ABUSES

The Commission has amended its Guidance on Article 102 Enforcement Priorities and has launched a Call for Evidence in relation to Guidelines on the same topic, 27 March 2023

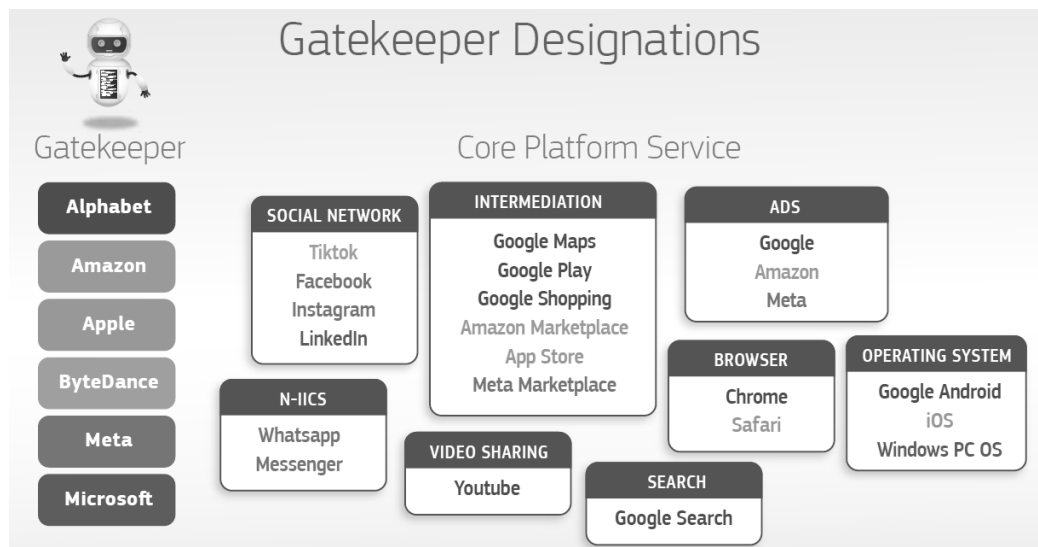
- Draft *Guidelines on the application of Article 102 of the Treaty on the Functioning of the European Union to abusive exploitative conduct by dominant undertakings* published 1 August 2024; consultation open until 31 October 2024
- The Commission is intending to adopt new guidelines in the 4th quarter of 2026

DIGITAL MARKETS ACT

COMMISSION

Gatekeeper designations

- **6 September 2023:** the Commission designated six gatekeepers in relation to 22 core platform services:



- Obligations become binding 7 March 2024
- Note that there are various appeals against designation:
 - Case T-1077/23 *Bytedance v Commission*
 - Appeal rejected, 17 July 2024, EU:T:2024:478
 - On appeal, Case C-627/24 *Bytedance v Commission*, not yet decided
 - Case T-1080/23 *Apple v Commission*, not yet decided
 - Case T-1078/23 *Meta Platforms Ireland v Commission*, not yet decided
- **13 November 2025:** the Commission has launched proceedings to determine whether Google's 'site reputation abuse policy' demotes news media and other publishers' websites and content in its search results when those websites include content from commercial partners

- **18 November 2025:** three market investigations opened on cloud computing services
 - Should Amazon and Microsoft be designated as gatekeepers for their cloud computing services (Amazon Web Services and Microsoft Azure)?
 - Can the DMA effectively tackle practices that may limit competitiveness and fairness in the cloud computing sector?

- **27 January 2026:** the Commission started two ‘specification proceedings’ under Article 8(2) DMA against Google to assist it in complying with Article 6(7) (interoperability) and Article 6(11) (access to data for search engines)

- **5 February 2026:** the Commission has decided not to designate Apple Ads or Apple Maps

PRACTICE AND PROCEDURE AT EU LEVEL

GENERAL COURT

- ***Wet leasing agreement***
 - Case T-1026/23 *Laudamotion GmbH v Commission*, judgment of 1 October 2025, EU:T:2025:928

Judgment rejecting appeal against a Commission decision not to investigate a complaint about anti-competitive behaviour by Lufthansa and Air Berlin at Vienna airport

COURT OF JUSTICE

- ***National procedural rules and effet utile***
 - Case C-511/23 *Caronte & Tourist SpA v AGCM*, judgment of 30 January 2025, EU:C:2025:42

Judgment on the undermining of the *effet utile* of the EU competition rules by Italian procedural rules on the timing of investigations

- Case C-588/24 *Imballagi Piemontesi Srl v AGCM*, judgment of 15 January 2026, EU:C:2026:14

Judgment on whether national legislation allowing extensions to investigation time-frames, with proper justification and judicial review, is compatible with EU law, balancing effective enforcement with fundamental rights

- ***Sport arbitration***
 - Case C-600/23 *Royal Football Club Seraing SA v FIFA*, judgment of 1 August 2025, EU:C:2025:617

Judgment on the powers of national courts or tribunals of the Member States to conduct a review of the compatibility of arbitral awards of the Court of Arbitration for Sport in Switzerland with EU public policy

CASES ON DAMAGES

- ***Cars***

- Case C-21/24 *CP v Nissan Iberia SA*, judgment of 4 September 2025, EU:C:2025:248

Judgment on limitation periods and Article 10 of the Damages Directive

- ***Apple App Store***

- Case C-34/24 *Stichting Right to Consumer Justice v Apple Distribution International*, judgment of 2 December 2025, EU:C:2025:936

Judgment on the appropriate forum for class actions brought against Apple in relation to its App Store

- ***Hotel pricing***

- Case C-286/24 *Meliá Hotels International SA v Associação Ius Omnibus*: judgment of 29 January 2026, EU:C:2026:49

Judgment in a reference from Portugal on the meaning of ‘plausibility’ in Article 5(1) of the Damages Directive

- ***Trucks***

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- Case C-191/25 *Wenzel Logistics GmbH v Mercedes-Benz Group*, judgment of 30 April 2025, EU:C:2026:360

Judgment in a damages case arising from the *Trucks* decision: interest should run from the date of the harm, not the bringing of the claim; EU law overrides Austrian on the basis of *effet utile*

EFTA COURT

- *Dawn raids*
 - Joined Cases E-31/24 and E-32/24 *Toska and Lyf v EFTA Surveillance Authority*, judgment of 5 March 2026

Unsuccessful challenge to inspection decisions

EU COMPETITION POLICY

REVIEW OF REGULATION 1/2003

The Commission published its findings of the evaluation of Regulations 1/2003 and 773/2004 on 5 September 2024: SWD(2024) 217 final

- Call for evidence and feedback sought 10 July 2025
- Adoption of legislative proposal planned in the third quarter of 2026

GUIDELINES AND GUIDANCE ON EXCLUSIONARY ABUSES

The Commission has amended its Guidance on Article 102 Enforcement Priorities and has launched a Call for Evidence in relation to Guidelines on the same topic, 27 March 2023 (see Article 102 above)

- Draft *Guidelines on the application of Article 102 of the Treaty on the Functioning of the European Union to abusive exploitative conduct by dominant undertakings* published 1 August 2025
- The Commission is intending to adopt new guidelines in the 4th quarter of 2026

MOTOR VEHICLE BLOCK EXEMPTION

Public consultation launched on the MVBBER 28 February 2025; comments due by 23 May 2025. Adoption of new regulation planned for the second quarter of 2026

REFORM OF THE EXEMPTION FOR TECHNOLOGY TRANSFER

The Commission adopted the revised block exemption and guidelines for technology transfer on 16 April 2026

PENDING ARTICLE 267 REFERENCES

- Case C-142/20 *Analisi G. Caraccioco s.r.l. v Regione Siciliana*: does Regulation 765/2008 create a monopoly contrary to Article 102? (Article 4(1) of the Regulation provides that each MS will appoint only one national accreditation body)
- Case C-2/23 *FL and KM Baugesellschaft m.b.H. & Co KG*: reference from Austria concerning the sharing of leniency documents with criminal prosecutors. Opinion of AG Szpunar 24 October 2024, EU:C:2024:924
- Case C-258/23 *IMI v AdC*: a reference from Portugal on the compatibility with Article 7 CFEU of the seizure of e-mails during surprise inspections. Opinion of AG Medina 20 June 2024, EU:C:2024:537; second Opinion 23 October 2025, EU:C:2025:814
- Case C-209/23 *FT and RRC GmbH v FIFA*: a reference from Germany on the remuneration of footballers' agents; Opinion of AG Emiliou 15 May 2025
- Case C-428/23 *ROGON GmbH v Deutscher Fussballbund*: a reference from Germany on the application of *Wouters* and *Meca-Medina* to the rules in Germany on footballers' agents. Opinion of AG Emiliou 15 May 2025
- Case C-569/23 *Toplofikatsia*: a reference from Bulgaria on legal fees established by regulation there
- Case C-244/25 *Maxi Mobility Spain v Auro New Transport Concept*: a reference from Spain concerning the powers of a competent court to review the decision of an arbitral award that may have failed to apply EU competition law
- Case C-324/25 *Lietuvos krepšinio Iyga*: a reference from Lithuania on the application of Article 101 to an agreement between basketball clubs and their association on salaries to players in the context of COVID-19
- Case C-347/25 *Zapp*: a reference from Germany on whether an undertaking that has been fined can claim compensation from its management body for the damage it has suffered
- Case C-357/25 *Groupama Asigurări*: a reference from Romania on the standard of proof for establishing a concerted practice in the context of information exchange
- Case C-711/25 *Ryanair DAC v AGCM*: a reference from the Consiglio di Stato concerning Article 27(2) of Regulation 1/2003 in circumstances where the Irish Competition Authority carried out an inspection on behalf of the AGCM

- Case C-793/25 *Kedrion SpA*: reference from Romania's High Court of Cassation as to whether Kedrion left the Romanian market for plasma-derived markets unilaterally, or as a result of a concerted practices arising from discussions within a trade association about the impact of a clawback tax?

EUROPEAN UNION MERGER REGULATION

RECENT AND CURRENT PHASE II INVESTIGATIONS

Name of case	Cleared?	Cleared with commitments?	Prohibited?
Case No M.11539 <i>Liberty Media/Dorna Sports</i>	No (23 June 2025)		
Case No M.11753 <i>Mars/Kellanova</i>	Yes (8 December 2025)		
Case No M.11956 <i>Universal Music Group/Downtown</i>		Yes (13 February 2026)	
Case M.11944 <i>MMG/Anglo American’s nickel business</i>			
Case M.11811 <i>Terminal Investment Limited Holding/Hutchison Ports</i>			
Case M.12270 <i>UPM/Sappi</i>			

GENERAL COURT

- Case T-289/24 *Brasserie Nationale and Munhowen v Commission*, judgment of 2 July 2025, EU:T:2025:655: unsuccessful challenge to the Commission’s taking of jurisdiction over BNM’s acquisition of Boissons Heintz
 - The transaction was conditionally cleared by the Commission on 17 July 2025
 - On appeal to the Court of Justice, Case C-572/25 P, not yet decided

COURT OF JUSTICE

- Cases C-171/24 P etc. *EVH v Commission*, judgment of 19 March 2026, EU:C:2026:226: judgment rejecting appeals by nine utilities to the Commission's two clearances of a complex E.ON/RWE asset swap and whether, in particular, RWE's acquisition of generation assets of E.ON and the acquisition of 16.7% of the shares in E.ON were linked transactions and one concentration

OTHER ISSUES

Note:

- Investigation opened by the Commission against Vivendi (a) for possible gun-jumping and (b) possible breach of the commitment not to complete its acquisition of Lagardère until the Commission had approved the buyer, 25 July 2023
 - Statement of objections sent 18 July 2025
- The Commission has opened a formal investigation for possible provision of incorrect information in the case of *KKR/NetCo*, 24 July 2025
- Note that the European Media Freedom Act 2024 has applied since 8 August 2025; Article 22 requires Member States to have rules for the assessment of media market concentrations to look at media plurality and editorial independence
- Note the decision of the French Competition Authority of 6 November 2025 imposing a fine on Doctolib of €4.6 million of abusing a dominant position in the online medical appointment booking sector, including a fine of €50,000 for acquiring a competitor in order to 'kill the product'. On appeal to the Paris Cour d'Appel
- Commission draft Merger Guidelines published 30 April 2026

EUROPEAN UNION FOREIGN SUBSIDIES REGULATION

RECENT AND CURRENT PHASE II INVESTIGATIONS

Name of case	Cleared?	Cleared with commitments?	Prohibited?
Case FS.100156 <i>Abu Dhabi National Oil Company/ Covestro</i>		Yes (14 November 2025)	

- The Commission has launched a review of the Foreign Subsidies Regulation, 12 August 2025
- The Commission has adopted Guidelines on foreign subsidies distorting the internal market, 9 January 2026, C(2026)42 final