

RECENT DEVELOPMENTS IN EU AND EEA COMPETITION LAW

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RECENT DEVELOPMENTS IN EU AND EEA COMPETITION LAW

STRUCTURE OF PRESENTATION

- ◎ **ARTICLE 101 CASES**
 - RECENT DEVELOPMENTS, PP 2-6
- ◎ **ABUSE OF DOMINANCE CASES**
 - RECENT DEVELOPMENTS, PP 7-10
- ◎ **DIGITAL MARKETS ACT**
 - RECENT DEVELOPMENTS, PP 11-12
- ◎ **EU MERGER CONTROL/FSR**
 - RECENT DEVELOPMENTS, PP 19-21
- ◎ **IMPORTANT POLICY DEVELOPMENTS**
 - RECENT DEVELOPMENTS, P 16

RECENT DEVELOPMENTS IN EU AND EEA COMPETITION LAW

ARTICLE 101: HORIZONTAL CASES

- CURRENT INVESTIGATIONS ARE LISTED ON P 2
 - NOTE *ATLANTIC FARMED SALMON*: DAMAGES ACTIONS PROCEEDING IN THE UK ON A STANDALONE BASIS (B2B ACTIONS AND A COLLECTIVE PROCEEDINGS CLAIM, NOT CERTIFIED 15 APRIL 2026)
 - NOTE ALSO *NEW REPLACEMENT TYRES*: INVESTIGATION OF PRICE SIGNALLING (*MICHELIN V COMMISSION*, JUDGMENT 9 JULY 2026)
- CARTEL DECISIONS ARE LISTED ON PP 3-4
 - ONE NEW DECISION, *CAR BATTERIES*, 15 DECEMBER 2025
- INFORMAL GUIDANCE LETTERS, P 4

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ARTICLE 101: HORIZONTAL CASES

- GENERAL COURT JUDGMENT: P 4
- COURT OF JUSTICE JUDGMENTS, P 5
- NOTE IN PARTICULAR *LIGA PORTUGUESE DE FUTBOL PROFESSIONAL V ADC*, 30 APRIL 2026
 - NO-POACH AGREEMENTS CAN BE RESTRICTIVE BY OBJECT: PARAS 53-56
 - HOWEVER IT IS IMPORTANT TO CONSIDER THE AGREEMENT IN CONTEXT, AND IT MAY NOT BE RESTRICTIVE OF COMPETITION AT ALL: PARAS 57-89
 - AND IF IT IS NOT RESTRICTIVE BY OBJECT BUT ONLY BY EFFECT, *WOUTERS/MECA-MEDINA* MAY BE AVAILABLE AS A DEFENCE: PARAS 90-100

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ARTICLE 101: HORIZONTAL CASES

- ON OBJECT RESTRICTIONS IN THE UK SEE *DECKERS V UP & RUNNING*, 8 MAY 2026: REFUSAL TO SUPPLY PRICE DISCOUNTER OF RUNNING SHOES NOT A RESTRICTION BY OBJECT (OR AT ALL)
- *MODAFINIL*: CAN PAY-FOR-DELAY AGREEMENTS BE RESTRICTIVE OF COMPETITION BY OBJECT?
 - YES, WHERE THE ONLY EXPLANATION FOR THE VALUE TRANSFERRED FROM THE PATENT HOLDER TO THE CHALLENGER WAS AN AGREEMENT TO REFRAIN FROM COMPETITION

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ARTICLE 101: VERTICAL CASES

- ◉ NOTE THREE RESALE PRICE MAINTENANCE CASES, P 5
- ◉ *BEEVERS KAAS BV*: WHEN IS AN EXCLUSIVE DISTRIBUTOR (IN THIS CASE IN BELGIUM) PROTECTED FROM ACTIVE SELLING FROM OTHER TERRITORIES? THIS INVOLVES AN INTERPRETATION OF THE VBER, ARTICLE 4
 - DEALT WITH IN LAST YEAR'S LECTURE

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ARTICLE 102: ABUSE OF DOMINANCE

- CURRENT INVESTIGATIONS ARE LISTED ON PP 7-10
 - NOTE *ENERGY DRINKS*: DAWN RAID CASE; ALSO INVESTIGATION OF CATEGORY MANAGEMENT
 - NOTE THE TWO AI INVESTIGATIONS, *META* AND *GOOGLE*
 - NOTE ALSO SPEECH BY TERESA RIBERA, MLEX 20 MARCH 2026: CASES IN THE 'AI STACK'
- ONE COMMISSION DECISION, *GOOGLE ADTECH STACK*, P 8
- TWO COMMITMENT DECISIONS, *COVER GLASS* AND *MICROSOFT*, P 8

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ARTICLE 102: ABUSE OF DOMINANCE

- ⦿ ONE GENERAL COURT JUDGMENT, *INTEL*, P 9
- ⦿ COURT OF JUSTICE JUDGMENTS ARE LISTED ON PP 9-10
- ⦿ NOTE IN PARTICULAR *GOOGLE ANDROID*, JUDGMENT DUE 2 JULY 2026
- ⦿ NOTE ALSO *LUKOIL*, APPLICATION OF THE *OSCAR BRONNER* JUDGMENT TO PRIVATISED MONOPOLY FACILITIES ACQUIRED FROM THE STATE

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DIGITAL MARKETS ACT

- ◉ DEVELOPMENTS TO DATE ARE LISTED ON PP 11-12
- ◉ NOTE IN PARTICULAR THE *BYTEDANCE* APPEAL ON P 11; ORAL HEARING WAS ON 12 MAY
- ◉ JUDGMENTS IN *APPLE* AND *META* PENDING IN THE GENERAL COURT
- ◉ NOTE THE COMMISSION'S *CLOUD SERVICES* INVESTIGATIONS, P 12
- ◉ *GOOGLE* DECISION PENDING, P 12

RECENT DEVELOPMENTS IN EU AND EEA COMPETITION LAW

MERGER CONTROL/FSR

- ◉ NOTE THE EUROPEAN MEDIA FREEDOM ACT 2024
 - NOTE THE EUROPEAN MEDIA BOARD'S RECOMMENDATION IN A HUNGARIAN CASE, *INDIAMEDIA/RINGIER HUNGARY*, 10 APRIL 2026
- ◉ NOTE ALSO THE FRENCH COMMISSION AUTHORITY'S INVESTIGATION OF *DOCTOLIB* (P 20): KILLER ACQUISITION AS AN ABUSE OF DOMINANCE
- ◉ DRAFT MERGER GUIDELINES!

RECENT DEVELOPMENTS IN EU AND EEA COMPETITION LAW

IMPORTANT POLICY DEVELOPMENTS

- ◉ SEE P 16: SHORT LIST IN THE CASE OF ANTITRUST
- ◉ PROPOSALS FOR AMENDMENT OF REGULATION 1/2003 AUTUMN 2026?

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THANK YOU FOR YOUR ATTENTION!