

Articles

ROMINA POLLEY AND SUSANNE A. ZIMMERMANN

Access to Real Time Data For Rail Passenger Transport Services—A Comparative Assessment Under EU and German Competition Law 174

Access to data remains a pressing issue in the digital age and the applicable legal standard is still under development. Two cases in the mobility sector, one before the German FCO and one before the European Commission, provide a welcome update, but leave a number of questions open due to divergent positions taken on relevant markets, theory of harm and scope of remedies.

DR NIGEL WILSON

Merger Reforms in Australia in the Age of Artificial Intelligence 188

Recent Australian merger reforms will overhaul its voluntary, disclosure regime in the AI Age. A new mandatory and suspensory regime will commence from 1 January 2026, together with increased penalties. Mandatory notification to the ACCC will be based on three thresholds. “Risk-based” assessments will control mergers with the potential to cause harm and the ACCC will focus on ‘serial acquisitions’ - specifically those by technology and AI companies and platforms.

HANNAH BORGWARDT AND JAN GÜNTHER

Competing for a Greener Tomorrow: The Role of Sustainability in EU Competition Law 198

The article explores the role of sustainability in EU competition law, assessing how environmental objectives can be integrated within the framework of arts 101 and 102 TFEU. It examines regulatory exemptions, recent guidelines, and potential justifications for sustainability agreements while addressing legal uncertainties. The analysis highlights how competition law can support innovation and sustainable market practices without undermining competition. It is not disputable that the protection of our environment, climate and natural resources is a goal of very high significance. The fight against climate change has even been described as the humanity’s greatest challenge by the former general secretary of the UN Ban Ki Moon.

DR. HANNA STAKHEYEVA,
ERTUGRUL CAN CANBOLAT AND ALI KATOGLU

Reflecting on National Security Considerations in Merger Control: Insights from the EU and Türkiye 207

The concept of national security is broad and varies significantly across jurisdictions, with each state defining its own framework based on political, economic, and strategic priorities. Recent global political and economic tensions have driven nations to adopt stricter reviews of mergers and acquisitions, emphasising national security considerations. This evolving regulatory landscape creates a degree of uncertainty for businesses, particularly in cross-border investments, as criteria for assessing national security risks remain fluid and unpredictable. This article examines the application of national security considerations in merger reviews within the European Union (EU) and Türkiye, two important jurisdictions with active trade relations and significant investment flows. By analysing some of the key cases and regulatory approaches, the article sheds light on emerging trends and their implications for businesses operating in these regions and beyond.

National Reports
Canada

ANTI-COMPETITIVE PRACTICES
Infringement N-89

Denmark

ANTI-COMPETITIVE AGREEMENTS
Judgment N-89

European Union

ANTI-COMPETITIVE PRACTICES
Judgment N-91

Finland

COMPETITION
Legislative proposal N-92

France	ANTI-COMPETITIVE PRACTICES Infringement N-93
France	ANTI-COMPETITIVE PRACTICES Judgment N-94
Ireland	COMPETITION Legislation N-95
Ireland	MERGERS Merger control N-96
Malta	MERGERS Merger control N-98
Slovenia	ANTI-COMPETITIVE PRACTICES Judgment N-99
South Africa	COMPETITION Market Inquiry N-101
Spain	ANTI-COMPETITIVE PRACTICES Judgment N-108
Spain	MERGERS Merger control N-109
Sweden	UNFAIR COMPETITION Judgment N-110
Türkiye	MERGERS Merger control N-111
United Kingdom	COMPETITION Competition policy N-113
USA	MERGERS Merger control N-115
USA	MERGERS Merger control N-117