

Articles

AASTHA MANTRI

Should Competition Policy Play A Role in Delivering Public Infrastructure? 470

The UK Government's commitment to delivering growth requires all sectors to be supported by a strong foundation of well-functioning public infrastructure in utilities; telecoms; affordable housing; etc. In this context, given the Government's growth steer to the CMA, as well as the CMA's recent acceptance of commitments from housebuilders suspected of anti-competitive conduct to deliver affordable housing, raises the question: Should competition policy play a role in delivering public infrastructure? This article argues, while competition policy has an important supporting role (e.g. by ensuring that downstream markets, which supply the goods and services for public infrastructure delivery, function competitively), using competition policy to proactively spearhead public infrastructure delivery is asking more from it (and, those responsible for delivering it) than it is designed to do.

EMMA GHANEM AND GAVIN MURPHY

The Competition Bureau's Airline Market Study: Cleared for Take-Off or Emergency Landing? 473

Cleared for take-off, the Competition Bureau's much awaited airline market study, was released on 19 June 2025 and offers 10 recommendations to governments on ways to improve competition in Canada's beleaguered domestic airline industry. Some recommendations are probably wishful thinking while others have merit. Cleared for take-off or emergency landing? Emma Ghanem and Gavin Murphy elaborate.

DR CHARLES HO WANG MAK

Artificial Intelligence and Competition Law in the Transatlantic Sphere: Navigating New Frontiers in Regulation and Enforcement 481

This paper examines the implications of artificial intelligence ('AI') for competition law in the European Union ('EU') and the United States ('US'), with particular attention to the regulatory challenges and enforcement dilemmas created by emerging AI technologies. It draws comparisons with developments in blockchain regulation to explore how the distinctive features of AI, including self-learning algorithms, dependence on large volumes of data, and strategies designed to entrench market dominance, interact with competition law principles and practice. The analysis considers whether AI has the potential to facilitate monopolistic behaviour, the significance of data as a driver of market power, and the difficulties of maintaining competitive fairness in markets shaped by AI. It also evaluates whether existing legal frameworks are adequate to address these developments or whether they require significant reform. The paper argues for a threefold strategy. First, AI developers and competition authorities should engage at an early stage to ensure that antitrust concerns are considered during project design. Second, competition authorities should explore how AI can be used to strengthen their own enforcement capabilities, particularly in market monitoring and data analysis. Third, cooperation between the EU and US authorities should be deepened to develop a coherent transatlantic response, recognising the global character of AI technologies and their economic effects. By situating the debate on AI alongside insights from blockchain regulation and competition law, the paper seeks to clarify the challenges that AI poses for established antitrust concepts and enforcement. It aims to provide policymakers and practitioners with practical recommendations for ensuring that competition law continues to safeguard market integrity and consumer welfare in the digital economy.

Fines for Incomplete RFI Replies: Raising the Bar for Procedural Compliance in EU Antitrust Investigations 490

This article examines the evolving enforcement of procedural obligations in EU competition law, focusing on the European Commission’s recent first use of its powers under Article 23(1)(b) of Regulation 1/2003 to sanction Eurofield SAS and its parent company for incomplete responses to a decision-based request for information (RFI). It begins with an analytical review of the RFI regulatory framework, distinguishing between simple and decision-based requests, and discusses key EU case law on the scope and limits of both the Commission’s investigatory powers and undertakings’ rights in the issuance and enforcement of RFIs. The article then examines the Eurofield case in particular, outlining the factual background and the legal elements that informed the sanction, and situates the decision within the broader context of procedural antitrust enforcement at both EU and Member State levels. Finally, it reflects on the significance of this precedent-setting decision, highlighting key considerations for practitioners in navigating procedural compliance under EU competition law in the future.

NVIDIA and the Semiconductor Crossfire: China’s Antitrust Strategy Amid U.S.—China Tech Tensions 502

This study examines China’s use of antitrust law as an instrument of techno-geopolitical strategy amid U.S.—China semiconductor rivalry. Focusing on SAMR’s investigation into Nvidia, it situates China’s Anti-Monopoly Law (AML 2022) within a trajectory of strategic enforcement, including the 2015 Qualcomm case. The analysis shows that China’s antitrust regime now extends beyond market efficiency, integrating into state geopolitical objectives and reshaping global competition law, cross-border technology governance, and U.S.—China economic relations.

Breaking the Chains in Labour Markets: The Application of Competition Law to Worker Non-Compete Clauses in Guernsey 506

Against a backdrop of greater policy consideration of how labour market practices can promote, or stifle, competitiveness, competition authorities, both in Europe and further afield, and other international organisations have increasingly focussed on the extent to which competition law can be applied in labour markets. This raises the issue of how, if at all, the impact on workers of such restrictions is relevant to a competition law analysis. In a recent case, the Guernsey Competition and Regulatory Authority (GCRA) applied Guernsey competition law to address a less commonly tackled restriction in labour markets—namely post-term non-compete covenants—which may impact both on competition and on workers’ rights. The case demonstrates that, in certain cases, there may be a convergence between a breach of competition law and impact of business practices on workers and that, in those cases, competition law is an appropriate instrument to address the harm to both.

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