POLITICO PRO

Fair Play

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SNEAK PEEK

— **How's EU antitrust enforcement doing? DG COMP is chugging along, with tech taking center stage,** according to a Fair Play analysis.

— **It's out: DG COMP has published a report on dynamic effects in mergers that will be key to the guidelines review.** We've skimmed through its 300-plus pages for you.

— **The Industrial Accelerator Act is set to be a major political battleground this fall.**

Welcome to Fair Play! For tips, comments and coffee invitations write to Francesca, Aude, Jacob, Doug and Tom. Here's the POLITICO Europe starter pack on Bluesky.

DRIVING THE DAY

HARD-CORE ANTITRUST: How's EU antitrust doing? A year and a half into the mandate of Executive Vice President Teresa Ribera, we took a deep dive into the heart of the Commission's competition enforcement activity — cartels and abuse-of-dominance cases — to check on its priorities and pace of work. Our conclusion: The Rolls-Royce is running steadily, with tech taking center stage.

Tech obsession: It's hardly a mystery that tech antitrust enforcement is top of mind for Ribera, albeit in a less aggressive fashion than before. The Spanish commissioner has framed the disciplining of Big Tech as a fight for the rule of law — amid sustained pressure from Washington to amend the EU's rulebook.

Kicking off: The Commission has opened 10 antitrust and cartel investigations since Ribera took office in December 2024, with the biggest abuse-of-dominance probes targeting Meta and Google's artificial intelligence offerings.

Hit list: German software maker SAP, pharma company Sanofi and energy drink maker Red Bull were among the names on DG COMP's antitrust hitlist, while cartel probes targeted financial derivatives and construction chemicals. Four sets of dawn raids were carried out, including at companies that make ski equipment and chocolate spread. Antitrust investigations tend to brew for some time before they're formally launched, so many of the probes had been running below the surface during the previous mandate.

Job done: Ribera closed out the Google ad tech and Microsoft Teams cases — using the latter to champion "soft" collaborative antitrust enforcement rather than a punitive model with high fines. Fines against Delivery Hero and Glovo for a "no-poach" cartel suggest an appetite for novel antitrust infringements.

Brussels and the capitals: The Commission's focus on tech may partly reflect a division of labor with national competition authorities. "There is a bit of a fixation with tech," said Assimakis Komninos, a partner at White & Case. "But maybe this is also justified because tech is an area where national competition authorities have essentially, with some unfortunate exceptions … deferred to the Commission and they are doing the job of the Commission when it comes to other areas, like … food or retail."

The Digital Markets Act: The figures don't take into account cases under the Digital Markets Act, which now handles some of the work traditionally done through abuse-of-dominance cases against tech platforms. "Any comparison of Article 102 activity across mandates now has to account for a second regime doing similar work," said Thibault Schrepel, an associate professor of law at the Vrije Universiteit Amsterdam, who recently wrote a paper on the topic.

Broader cartel decline: Cartel investigations are on the decline almost everywhere, according to the OECD. Experts have yet to identify whether this is because companies are more compliant, because cartels are moving away from smoke-filled rooms and into algorithms — or if it's just that momentum was lost.

Antitrust no cash cow: One way or another, lawyers aren't banking on hard-core antitrust to keep their bonuses fat. Mergers are now what keeps the lights on at law firms — with M&A scrutiny increasingly complex and multilayered, a veteran Brussels competition partner told Fair Play. Twenty years ago, he said, state aid and cartels made up roughly 50 percent of the revenues of Brussels law firms; today that figure is 5 percent to 10 percent.

MERGERS

BACK TO SCHOOL: If you exhausted your merger reading material over the summer — DG COMP's merger guidelines proposal, plus all the contributions to the consultation (read our digest here) — don't worry: The Commission published a key report on the dynamic effects of mergers on Monday that will inform its review of the guidelines.

The Italian job: The 300-plus-page study was authored by a team from economics consultancy Oxera led by Giulio Federico, once a prominent member of DG COMP's Chief Economist Team. Among the peer reviewers was Massimo Motta, a former DG COMP chief economist. If that's not enough Italian seasoning for you, seven of the 10 members of the team drafting the report also appear to be Italian (judging by the names). *Forza Italia!*

Holistic view: "Merger rules written for a static world are no longer fit for purpose. In the modern economy, firms don't just compete on current products and prices; they compete on a broad range of dimensions of future product market competition, including investment, innovation and entry," Federico said in a press release.

Glossary — dynamic effects: Dynamic effects in mergers capture the impact of a deal on broader market dynamics, e.g. investment. They contrast with static effects, which focus on a merger's more immediate impact, particularly on prices, and have long dominated merger analysis. The Commission's new merger guidelines give greater weight to dynamic effects as Brussels seeks a holistic picture of a deal's impact on European competitiveness.

Zooming out: The Oxera report suggests that dynamic effects should be defined broadly to include the overall effect of mergers on future product market competition — capturing their impact on investment, innovation, entry and the prices and availability of new or improved products. This, the report adds, "raises the stakes in merger control decisions in cases with a significant dynamic dimension."

Mergers can be pro-competitive: The report says that mergers between competitors can actually benefit competition, for example by creating dynamic synergies such as economies of scale and greater technology diffusion, or "internalizing spillovers." But the authors are careful not to reach any definitive conclusions, and paint a complex picture. On the closely watched area of mobile telecoms mergers, for example, they acknowledge that these tend to improve network quality, but caution that those gains can come at the expense of consumers.

Checklist: The report suggests a "three-limb approach" to efficiencies, saying they should be verifiable, merger-specific and ultimately beneficial to consumers. It lists five types of mergers with potential dynamic effects, depending on where the merging companies overlap.

***Exempli gratia*:** A four-page list at the end of the report provides examples of mergers with dynamic effects in DG COMP's case portfolio, from the agrochemical mergers of the 2010s (Dow/DuPont, Bayer/Monsanto) to recent cases like Adobe/Figma, Amazon/iRobot or Synopsys/Ansys.

Mark your calendars: A dedicated workshop to discuss the findings of the study takes place in Brussels on Sept. 11.

INDUSTRIAL ACCELERATOR ACT

THE COMING BATTLE OVER THE IAA: For the rest of the year, expect the Industrial Accelerator Act to be a major political battleground as diplomats and lawmakers return to Brussels and debate competing compromise texts for the legislation.

Refresher: The IAA is the flagship EU industrial policy act championed by Commission President Ursula von der Leyen. It is designed to boost green manufacturing through incentives for greener public procurement while introducing controversial "Made in Europe" requirements.

Decarbonization stakes: Along with the Emissions Trading System and the Carbon Border Adjustment Mechanism, few pieces of legislation are more important to the future of industrial decarbonization in Europe. EU industry chief Stéphane Séjourné described it as a "change in doctrine" that will help European industry compete against cheaper imports from

China and other major industrial economies.

Belle of the ball: From European steel lobbyists — who want a lead market for green steel baked into the act — to the White House and India (which both see it as protectionist), there is no shortage of interest in the fate of the IAA. According to one parliamentary insider, "prime ministers from all over the world are calling [to say]: 'Hey, I thought you wanted to be friends?'"

Heavyweights: Three EU diplomats tell us the split in the Council will center on the bloc's two economic giants. Germany is no fan of the IAA and fears it could impact exporters, while France hopes it will kickstart its manufacturing sector and has emerged as one of its staunchest defenders.

House drama: Over in the Parliament, things are equally contentious with three committees sharing responsibility for the file: Industry, Research and Energy; Internal Market and Consumer Protection; and International Trade.

Party time: As for the groups in the Parliament, a more pro-industry coalition is taking shape among the center-right European People's Party — the bloc's biggest group — the centrist Renew Europe, and the center-left Socialists & Democrats, who all want the act to help EU businesses survive. The Greens, on the other hand, fear the IAA could dilute the EU's climate ambitions and become another weapon in the "competitiveness" agenda rather than a green initiative.

Read more about the upcoming battle from Ben Makuch here.

SINGLE MARKET

UNITED FOR DRAGHI: A group of policymakers, economists and business people — especially tech entrepreneurs — has united under the leadership of former ECB chief Mario Draghi and the founder of payments provider Stripe, Patrick Collison, to advance the goals of the Draghi agenda. Called the Rhine Group, it is led by economist Luis Garicano as executive director. French agency chief Benoît Cœuré represents the antitrust community among the membership, which also features European University Institute professor Nicolas Petit.

COMPETITION

AUDITORS QUESTION GERMAN ANTITRUST FINE FORECAST: Germany is counting on the country's competition authority to generate €180 million in fines and penalties in 2027, but the Federal Audit Office isn't buying it, our Berlin-based colleagues Rasmus Buchsteiner and Tom Schmidtgen write in to report.

New powers don't mean more money: The auditors warn that the authority's new powers — e.g. to conduct sectoral investigations — don't necessarily mean more or bigger fines. In 2025 the Bundeskartellamt's revenues plummeted to €18.3 million, about a tenth of what the government was expecting.

Lose the extra baggage: Instead of relying on the authority's capacity to fine companies, the German government should cut unnecessary programs such as the hydrogen strategy, the auditors said.

FROM THE CAPITALS

DANISH UBER-DANTAXI DEAL: Denmark's competition watchdog has forced Uber to sell a significant chunk of Dantaxi after finding its completed takeover could raise fares, squeeze drivers and shut out rivals. The landmark case is the authority's first intervention in an already-completed merger and its first use of new powers to scrutinize a deal below normal filing thresholds.

BEFORE YOU GO

Germany should be more open to private investors, Friedrich Merz's advisor tells the Financial Times.

HEADLINES

Here's a recap of yesterday's news, along with Pro articles and alerts from overnight.

Europe's debate over how to boost clean manufacturing is about to heat up
The Industrial Accelerator Act wants to solve a wicked problem: promote industry while limiting carbon emissions.
By Ben Makuch · Aug 25, 2026, 06:00 am Europe/Brussels CEST

Pro Intelligence Connections

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