



Brussels, 25.4.2025  
COM(2025) 181 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE  
COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE  
COMMITTEE OF THE REGIONS**

**Report on Competition Policy 2024**

{SWD(2025) 102 final}

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## 1. Introduction

Since the very beginning of the European project, competition policy has played a fundamental role in shaping the Single Market. Competition policy allows companies of all sizes to compete and grow on the merits in the EU, while also fostering innovation and growth, as well as contributing to the overall competitiveness and resilience of the EU economy.

EU competition policy along with effective competition enforcement keep prices down, increase product quality, and speed up innovation, generally enhancing the welfare of consumers and businesses. The objective of EU competition policy is to keep markets open and contestable, in particular by removing and sanctioning practices that distort the competitive process, and by allowing only the least distortive State aid.

In 2024, two reports were published by Enrico Letta<sup>1</sup> and Mario Draghi<sup>2</sup>. Mr Letta's report contains recommendations on how to improve the Single Market, and Mr Draghi's report includes proposals on how to increase the EU's competitiveness. Both reports emphasise the Single Market as the EU's best asset for a competitive, clean, and digital future, and the fact that effectively enforcing competition rules is a fundamental source of productivity growth and competitiveness in the EU. Effective competition is a core feature of well-functioning markets.

Against this background, in 2024, the European Commission (Commission) and its Directorate-General for Competition continued to develop EU competition policy to achieve the objectives of a green, digital, and resilient European economy, as well as to actively enforce competition rules. Effective competition is a core feature of well-functioning markets. Competition policy does not, however, operate in a vacuum. Sector-specific regulations and competition enforcement work together and reinforce each other.

The Report on Competition Policy of 2024 is addressed by the Commission to the European Parliament, the Council of the European Union, the European Economic and Social Committee and the European Committee of the Regions. The Report describes key developments in EU competition policy and enforcement during 2024. A more comprehensive account of policy developments, enforcement actions and important case-law is included in the Staff Working Document (SWD) which accompanies the Report.

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<sup>1</sup>*Much More than a Market - Speed, Security, Solidarity - Empowering the Single Market to deliver a sustainable future and prosperity for all EU Citizens*, Enrico Letta, 10.4.2024.

<sup>2</sup>*The future of European competitiveness – A competitiveness strategy for Europe*, Mario Draghi, 9.9.2024.

## 2. Modernising and simplifying competition rules to contribute to the EU's competitiveness, the green and digital transitions, and the strengthening of the Single Market

Much work was done in 2024 to ensure that all competition enforcement instruments (merger control, antitrust and State aid control) remain fit for purpose to protect fair competition and are aligned with the objectives of a green, digital, and resilient EU economy.

### *2.1. Evaluating and revising antitrust and merger rules*

In February 2024, the Commission adopted the revised **Market Definition Notice** (MDN) updating how markets are defined with a view to reflect new market realities and developments in decisional practice and case law<sup>3</sup>. Market definition requires identifying the boundaries of competition between companies when assessing mergers and most antitrust cases. The MDN increases transparency and legal certainty for businesses, facilitates compliance and contributes to a more efficient competition enforcement. The revised MDN provides up-to-date and more accessible guidance. It describes general principles and emphasises the importance of non-price parameters for market definition, such as innovation, quality, reliable supply, and sustainability. In addition, the MDN includes guidance on market definition concepts in specific circumstances, for example in digital markets, innovation-intensive industries, and markets undergoing structural transition. The MDN also covers quantitative techniques used when defining markets and calculating market shares.

The evaluation of the **antitrust procedural framework** was completed in 2024. Regulation 1/2003<sup>4</sup> and its implementing act, Regulation 773/2004<sup>5</sup> establish a procedural framework aimed at ensuring the effective and uniform application of Articles 101 and 102 TFEU. After extensive collection of evidence, a public consultation and a survey, the Commission published in September 2024 a Staff Working Document<sup>6</sup> presenting the results of the evaluation. Throughout the evaluation process, the Commission services liaised with the national competition authorities of the Member States (NCAs). The Commission staff concluded that, in general, the evaluated regulations had performed well in attaining their objectives of effective and uniform application of Articles 101 and 102 TFEU, both through the changes it brought to the Commission's enforcement powers and by empowering NCAs to enforce EU competition rules. The evaluation also identified areas for further reflection, to ensure that competition enforcement keeps up with digitalisation and to ensure coherent and swift antitrust enforcement.

Exclusionary abuses of dominance harm both businesses and consumers. They lead to higher prices, less innovation and poorer quality of goods and services. In 2024, the Commission continued

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<sup>3</sup> Communication from the Commission - Commission Notice on the definition of the relevant market for the purposes of Union competition law OJ C, C/2024/1645, 22.2.2024, p. 1.

<sup>4</sup> Council Regulation (EC) No 1/2003 of 16.12.2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, OJ L, 4.1.2003, p. 1.

<sup>5</sup> Commission Regulation (EC) No 773/2004 of 7.4.2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty, OJ L 123, 27.4.2004, p. 18.

<sup>6</sup> Commission Staff Working Document – Evaluation of Regulations 1/2003 and 773/2004 (SWD (2024) 217 final), 5.9.2024.

preparing new **Guidelines on exclusionary abuses of dominance**. The purpose of the exercise is to systematise the case-law on exclusionary conduct under Article 102 TFEU with a view to ensuring legal certainty and predictability, and providing operational guidance for companies. The Guidelines are also meant to promote a workable effects-based approach, in line with economic thinking and conducive to effective enforcement of Article 102 TFEU. The Commission published the draft Guidelines on exclusionary abuses of dominance for comments in August 2024<sup>7</sup>. The European Competition Network (ECN) subsequently endorsed the draft Guidelines in a joint statement issued in September 2024<sup>8</sup>.

In January 2024, the Commission launched the evaluation of the **Motor Vehicle Block Exemption Regulation (MVBER)**. The purpose of this evaluation is to assess the extent to which the MVBER is still fit for purpose. In April 2023, the Commission had prolonged the MVBER for five years until 31 May 2028<sup>9</sup>. This limited prolongation allowed the Commission more time to assess emerging trends, such as those resulting from the expanding use of digital features in new vehicles. The Commission also updated the **Supplementary Guidelines for the sector**<sup>10</sup> with the same period of validity.

The evaluation of the rules on technology transfer agreements was finalised. The **Technology Transfer Block Exemption Regulation (TTBER)**<sup>11</sup> exempts certain categories of agreements and practices from the application of EU competition rules. The current TTBER will expire on 30 April 2026 and was subject to evaluation (including the accompanying guidelines)<sup>12</sup> to assess how the rules have worked in practice, to help decide whether the Commission should let the Regulation expire, prolong it, or prepare a revised Regulation and related guidelines. In November 2024, the results of the evaluation were published<sup>13</sup>. The evaluation showed that the TTBER and the Guidelines on Technology Transfer Agreements had been largely successful in ensuring the effective, efficient, and uniform application of EU competition rules to technology transfer agreements, and that their objectives remain relevant. The evaluation also demonstrated that the TTBER and the accompanying Guidelines could be improved and simplified to enhance legal certainty and reflect recent market developments. The Commission will revise the Technology Transfer framework to ensure that companies have clear, simple and up-to-date rules for procompetitive technology licensing

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<sup>7</sup> Communication from the Commission – Guidelines on the application of Article 102 of the Treaty on the Functioning of the European Union to abusive exclusionary conduct by dominant undertakings.

<sup>8</sup> Joint statement by the European Competition Network (ECN) on the European Commission's initiative to adopt Guidelines on abusive exclusionary conduct by dominant undertakings of 2.9. 2024.

<sup>9</sup> Commission Regulation (EU) No 461/2010 of 27 May 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices in the motor vehicle sector, OJ L 129, 28.5.2010, p. 52 as amended by Commission Regulation (EU) 2023/822 of 17 April 2023 on amending Regulation (EU) No 461/2010 as regards its period of application, OJ L 102I, 17.4.2023, p. 1.

<sup>10</sup> Commission Notice: Supplementary guidelines on vertical restraints in agreements for the sale and repair of motor vehicles and for the distribution of spare parts for motor vehicles, OJ C 138, 28.5.2010, p. 16 as amended by Communication from the Commission Amendments to the Commission Notice – Supplementary guidelines on vertical restraints in agreements for the sale and repair of motor vehicles and for the distribution of spare parts for motor vehicles 2023/C 133 I/01, OJ C 133I, 17.4.2023, p. 1.

<sup>11</sup> Commission Regulation (EU) No 316/2014 of 21 March 2014 on the application of Article 101(3) TFEU to categories of technology transfer agreements, OJ L 93, 28.3.2014, p. 17.

<sup>12</sup> Communication from the Commission – Guidelines on the application of Article 101 TFEU to technology transfer agreements, OJ C 89, 28.3.2014, p. 3.

<sup>13</sup> Commission Staff Working Document – Evaluation of Commission Regulation (EU) No 316/2014 of 21 March 2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements (SWD (2024) 269 final), 22.11.2024.

agreements, thereby facilitating technology dissemination, incentivising initial R&D, and promoting innovation.

In November 2024, the Commission published an **ex-post evaluation study** commissioned by DG Competition covering ‘killer acquisitions’ in the pharmaceutical sector<sup>14</sup>. For the purposes of the study, killer acquisitions were defined as the acquisitions of innovative pharmaceutical pipeline products which have as their object or effect to discontinue one of overlapping R&D projects. There is a significant risk that such killer acquisitions reduce innovation competition involved in the transaction and ultimately in the entire market. The study assessed not only M&A deals, but also other types of transactions including licensing deals and R&D co-operation agreements<sup>15</sup>. According to the study, between 2014 and 2018, on average 48 transactions per year involved the acquisition of narrowly overlapping R&D projects at the level of clinical trials. In a significant number of these, one of the R&D projects of the parties was subsequently abandoned. Without access to internal documents, the study was not able to identify specific examples of deals that were confirmed (‘proven’) to be killer acquisitions, but 18 transactions per year were found to ‘deserve further scrutiny’, meaning that there was no clearly identifiable technical or safety reason explaining the discontinuation in question. The study assessed the Commission’s past enforcement addressing potential killer acquisitions and the legal framework guiding the Commission’s actions in this respect. It found that the Commission had correctly assessed the theories of harm in five merger cases involving killer acquisitions<sup>16</sup>. Moreover, the study included suggestions for improving the design of remedies. Finally, the study analysed the suitability of the merger and antitrust tools used to deal with killer acquisitions where the Commission does not have jurisdiction<sup>17</sup>.

## *2.2. Evaluating and revising State aid rules and guidance*

In May 2024, the Commission amended the **Guidelines on Regional State aid (RAG)**<sup>18</sup>. The possibility for Member States to grant aid under the RAG is an important instrument to support investments in the less advantaged regions of Europe and to enhance social and economic cohesion. The amendment to the RAG<sup>19</sup> enabled Member States to amend their regional aid maps to grant higher amounts of regional aid for investment projects covered by the **Strategic Technologies for Europe Platform (STEP)**<sup>20</sup> by up to 10 percentage points in the regions eligible for aid under Article 107(3)(a) TFEU (so-called ‘a’ areas), and 5 percentage points in the regions eligible for aid under Article 107(3)(c) TFEU (so-called ‘c’ areas). The aim of STEP is to support the development and

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<sup>14</sup> Without access to internal documents the authors were unable to confirm (‘prove’) specific examples of killer acquisitions. The order of magnitude of the findings in the study is comparable to what other researchers using different methods and datasets have found.

<sup>15</sup> Buccirosi, P., Marrazzo, A. et al. (2024), *Ex-post evaluation: EU competition enforcement and acquisitions of innovative competitors in the pharma sector leading to the discontinuation of overlapping drug research and development projects*, Final report prepared by Lear for the European Commission, November 2024. See [https://competition-policy.ec.europa.eu/publications/ex-post-economic-evaluations\\_en](https://competition-policy.ec.europa.eu/publications/ex-post-economic-evaluations_en). For a more extensive description of the outcome, see the accompanying Staff Working Document, section 7.4.

<sup>16</sup> The five cases were selected for the purposes of the study and do not indicate the total number of cases involving potential killer acquisitions.

<sup>17</sup> As regards killer acquisitions, please also refer to the summary in section 3.1 below of the Court of Justice judgment in the Illumina/Graill case

<sup>18</sup> Communication from the Commission Guidelines on regional State aid, OJ C 153, 29.4.2021, p. 1.

<sup>19</sup> Communication from the Commission supplementing the Guidelines on regional State aid with regard to the Strategic Technologies for Europe.

<sup>20</sup> Regulation (EU) 2024/795 of the European Parliament and of the Council establishing the Strategic Technologies for Europe Platform (STEP) and amending Directive 2003/87/EC and Regulations (EU) 2021/1058, (EU) 2021/1056, (EU) 2021/1057, (EU) No 1303/2013, (EU) No 223/2014, (EU) 2021/1060, (EU) 2021/523, (EU) 2021/695, (EU) 2021/697 and (EU) 2021/241, 29.2.2024.

manufacturing of critical technologies relevant to the green and digital transitions, as well as the strategic sovereignty of the EU.

Risk finance plays a crucial role in funding the economy, especially for start-ups, SMEs and mid-caps. In January 2024, the Commission provided Member States with **practical guidance on how to assess the existence of aid for risk finance measures** when considering whether or not public measures to facilitate companies' access to finance constitute State aid<sup>21</sup>.

On 1 January 2024, two revised *de minimis* regulations entered into force. A third *de minimis* regulation was adopted in December 2024.

The revised **general *de minimis* Regulation**<sup>22</sup> will apply until 31 December 2030. It exempts small aid amounts from EU State aid control because they are deemed to have no effect on trade between Member States and not to distort or threaten to distort competition. The exemption ceiling was increased from EUR 200 000 to EUR 300 000 per company over a period of three years. Member States will be obliged to register *de minimis* aid in a central register set at national or EU level. This obligation will apply as of 1 January 2026.

The revised **Services of General Economic Interest (SGEI) *de minimis* Regulation**<sup>23</sup> also entered into force on 1 January 2024. The exemption ceiling for *de minimis* aid for SGEIs was increased from EUR 500 000 to EUR 750 000 per company over a period of three years. Just as under the general *de minimis* Regulation, Member States will be obliged to register SGEI *de minimis* aid in a central register set at national or EU level. This obligation will apply as of 1 January 2026.

In December 2024, the Commission adopted an **amendment of the Agricultural *de minimis* Regulation**<sup>24</sup>. With the amended rules, Member States can to a larger extent support farmers in a simple, fast, direct and efficient manner. The main changes introduced with the amendment are: (1) a raise of the maximum *de minimis* ceiling per company over three years, from EUR 25 000 to EUR 50 000, (2) an increase of the 'national cap' (maximum amount of cumulative *de minimis* aid allowed per Member State) from 1.5% to 2% of the value of agricultural output of the Member State concerned, (3) the deletion of the 'sectorial cap' (upper limit of measures per Member State targeting only one product market), (4) the introduction of a mandatory central register of *de minimis* aid at national or European level and (5) the extension of the validity of the revised Regulation until 31 December 2032.

The raising of the *de minimis* ceiling and the central register for *de minimis aid* in the three regulations significantly simplify the applicable rules. The raised ceilings allow Member States to

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<sup>21</sup> Practical guidance for Member States: The Market Economy Operator Test for Risk Finance Measures, 26.1.2024.

<sup>22</sup> Commission Regulation (EU) 2023/2831 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid, OJ L, 2023/2831, 15.12.2023.

<sup>23</sup> Commission Regulation (EU) 2023/2832 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid granted to undertakings providing services of general economic interest, OJ L, 2023/2832, 15.12.2023.

<sup>24</sup> Commission Regulation (EU) No 1408/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the agriculture sector, OJ L 352 24.12.2013, p. 9.



deliver more support faster and simpler and the central registers reduce reporting obligations for stakeholders.

Moreover, in June 2024, the Commission published for consultation its new draft rules for land and multimodal transport, the **Land and Multimodal Transport Guidelines** (LMTG) and the **Transport Block-Exemption Regulation** (TBER). The TBER intends to exempt from prior notification certain categories of aid in the rail, inland waterways, and multimodal transport sector. It will complement the LMTG, which will replace the current Railway Guidelines<sup>25</sup>, and set out the conditions to assess the compatibility with the Single Market of aid to sustainable land transport that is not block-exempted. These two sets of rules will form a comprehensive and up-to-date rulebook for aid to sustainable land transport. The review process of these two instruments is ongoing.

### *2.3. State aid policy as a key to resilience in times of crisis*

The State aid rules ensure that aid is targeted at market failures, avoids overcompensation, the crowding out of private financing and other types of competition distortion in the Single Market. In recent years, State aid policy has helped the EU economy to cope with successive crises and to emerge more resilient from them.

#### *The Temporary Crisis and Transition Framework to support transition towards a net-zero economy*

In 2024, the Commission continued to apply the **Temporary Crisis and Transition Framework (TCTF)**<sup>26</sup> to support the EU economy following Russia's war of aggression against Ukraine and to further support sectors key for the transition to a net-zero economy.

The possibility to accelerate the roll-out of schemes for renewable energy, energy storage and decarbonisation of industrial production processes (sections 2.5 and 2.6 TCTF) and to adopt measures further accelerating investments supporting transition towards a net-zero economy (section 2.8) remain in force until the end of 2025. The sections enabling Member States to grant limited amounts of aid (section 2.1 TCTF) and aid to compensate for high energy prices (section 2.4 TCTF) remained applicable until 30 June 2024. On 2 May 2024, following a consultation of Member States, the Commission amended the TCTF in light of the specific situation of undertakings active in the primary production of agricultural products as well as in the fishery and aquaculture sectors. The Commission adopted a limited prolongation of the provisions enabling Member States to continue to grant limited amounts of aid (section 2.1 TCTF) until 31 December 2024 for undertakings in those sectors<sup>27</sup>.

In 2024, the Commission adopted 127 decisions (of which 55 amendment decisions) under the TCTF or based on its principles, approving 77 national measures notified by 24 Member States. The overall

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<sup>25</sup> Communication from the Commission — Community guidelines on State aid for railway undertakings, OJ C 184, 22.7.2008, p. 13–31.

<sup>26</sup> Communication from the Commission Temporary Crisis and Transition Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia, OJ C 101, 17.3.2023, p. 3.

<sup>27</sup> Communication from the Commission – Second amendment to the Temporary Crisis and Transition Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia, OJ C, C/2024/3113, 2.5.2024.

budget that Member States notified to the Commission under such State aid measures amounted to EUR 68.03 billion.

### *Implementing the Recovery and Resilience Facility*

Implementation by the Commission of the national recovery and resilience plans adopted under the **Recovery and Resilience Facility (RRF)**<sup>28</sup> – the centrepiece of the **NextGenerationEU** initiative<sup>29</sup> – continued in 2024. The RRF, next to and on top of cohesion policy, promotes cohesion among the Member States by mitigating the social and economic fallout of the COVID-19 pandemic and by supporting the green and digital transitions. Most measures financed by the RRF do not constitute State aid. Of those that qualify as State aid, the majority could be implemented directly by the Member States, either under a block-exemption regulation<sup>30</sup> or under a *de minimis* regulation<sup>31</sup>. However, certain RRF-financed State aid measures must be notified to the Commission for prior authorisation. During 2024, the Commission adopted at least 40 State aid decisions authorising RRF-funded measures. Some of these decisions concerned Important Projects of Common European Interest (IPCEIs), because in certain cases RRF funds were used to co-finance such projects.

## 3. Effective competition enforcement contributed to the EU's green and digital transitions and to the strengthening of the Single Market

Enforcing the competition rules contributes to the removal of barriers to entry and barriers to expansion in the Single Market. In a market economy, there is no competitiveness without effective competition. By making markets work better and preserving market discipline, competition rules lead to more innovation, investment and more diversified supply chains. This contributes to the digital and green transformations, as well as to the economic resilience of the EU economy, and supports the EU industrial policy.

### *3.1. Keeping markets fair and contestable and strengthening the Single Market*

#### *Antitrust enforcement*

In antitrust, the Commission continued in 2024 to pursue several cases in digital markets against large digital companies and thus ensuring that these companies do not abuse their market power. Digital markets have specific features and pose concrete challenges due to the prevailing business models and usual market dynamics. For instance, companies may acquire data or technology to increase barriers to entry or use rivals' data for their own benefit (for example platforms with a dual function, namely intermediary and also competitor).

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<sup>28</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_22\\_3131](https://ec.europa.eu/commission/presscorner/detail/en/IP_22_3131) and [https://ec.europa.eu/economy\\_finance/recovery-and-resilience-scoreboard/index.html?lang=en](https://ec.europa.eu/economy_finance/recovery-and-resilience-scoreboard/index.html?lang=en).

<sup>29</sup> [https://next-generation-eu.europa.eu/index\\_en](https://next-generation-eu.europa.eu/index_en)

<sup>30</sup> Mainly Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L 187, 26.6.2014, p. 1, as last amended by Commission Regulation (EU) 2021/1237, OJ L 270, 29.7.2021, p. 1.

<sup>31</sup> Mainly Commission Regulation (EU) 2023/2831 of 13.12.2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, OJ L, 2023/2831, 15.12.2023, p.1.

In March 2024, the Commission fined *Apple* over EUR 1.8 billion for abusing its dominant position on the market for the distribution of music streaming apps used by iPhone and iPad users (together iOS users) through its App Store<sup>32</sup>. In particular, the Commission found that Apple applied restrictions on app developers preventing them from informing iOS users about alternative and cheaper music subscription services available outside of the app (anti-steering provisions).

In November 2024, the Commission fined *Meta* EUR 797.72 million for abusing its dominant position<sup>33</sup>. Meta's prime product is its personal social network Facebook. In addition, Facebook offers 'Facebook Marketplace', an online classified ads service where users can buy and sell goods. The Commission concluded that Meta infringed EU antitrust rules by tying Facebook Marketplace to its personal social network Facebook. Since all Facebook users have access to and get exposed to Facebook Marketplace whether they want it or not, this gives Facebook Marketplace substantial advantages which competitors cannot match. Moreover, Facebook unilaterally imposes unfair trading conditions on other advertisers on Meta's platforms, in particular Facebook and Instagram. This allows Meta to use ad-related data generated by other advertisers for the sole benefit of Facebook Marketplace.

In June 2024, the Commission informed *Microsoft* of its preliminary view that the company infringed Article 102 TFEU by tying its communication and collaboration product Teams to its popular productivity applications included in its Office 365 and Microsoft 365 suites for businesses<sup>34</sup>.

In addition to investigations into the market behaviour of large digital companies, the Commission acted against anti-competitive practices in a number of other sectors, for example mobile phones and clothing.

In November 2024, the Commission opened a formal investigation into whether *Corning* – a major producer of break-resistant glass for handheld electronic devices - may have abused its dominant position in the worldwide market for such devices<sup>35</sup>. The Commission is investigating whether Corning concluded anti-competitive exclusive supply agreements with mobile phone manufacturers and with companies that process raw glass for this purpose. The Commission is concerned that the agreements that Corning put in place with mobile phone producers and raw glass processors may have excluded rivals from large segments of the market, thereby reducing customer choice, increasing prices, and stifling innovation to the detriment of consumers.

In November 2024, the Commission fined the fashion house *Pierre Cardin* and its largest licensee *Ahlers* EUR 5.7 million for infringing EU competition law<sup>36</sup>. The Commission found that Pierre Cardin and Ahlers had infringed Article 101 TFEU by restricting passive sales of Pierre Cardin-licensed products within the EU and by restricting the customers to whom such products could be

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<sup>32</sup> Case AT.40437 – *Apple – App Store Practices (music streaming)*.

<sup>33</sup> Case AT.40684 – *Facebook Marketplace*.

<sup>34</sup> Case AT.40721 – *Microsoft Teams*, and AT.40873 – *Microsoft Teams II*.

<sup>35</sup> Case AT.40728 – *Corning*.

<sup>36</sup> Case AT.40642 – *Pierre Cardin/Ahlers*.

sold. By preventing consumers from shopping around for a better deal and from benefiting from greater choice, Pierre Cardin's and Ahlers' behaviour illegally fragmented the Single Market.

In 2024, the Commission continued to investigate the food sector, which is of key concern to EU citizens. The rising price of groceries - accelerated by inflation - is an important contributor to the increasing cost-of-living in the EU.

In May 2024, the Commission imposed a EUR 337.5 million fine on *Mondelez* for obstructing cross-border trade of chocolate, biscuits, and coffee products<sup>37</sup>. *Mondelez* had concluded 22 agreements in breach of Article 101 TFEU, as well as had abused its dominant position in breach of Article 102 TFEU.

In January 2024, the Commission adopted a statement of objections concerning an alleged Norwegian salmon cartel<sup>38</sup>. Norway accounts for over half of the worldwide production of farmed Atlantic salmon and EU companies are its main customers. The Commission suspects that *Norwegian salmon producers* may have infringed EU antitrust rules by colluding to distort competition in the EU market for spot sales of Norwegian farmed Atlantic salmon.

Further, the Commission continued its efforts to keep pharmaceutical products affordable for everyone. By preserving and widening the choice of treatment and by stimulating innovation leading to the development of new and better medicines, the Commission's enforcement of the competition rules benefitted national healthcare systems, pharmacies, patients and ultimately consumers in general.

To this end, in July 2024, the Commission made legally binding commitments offered by *Vifor* to address the alleged disparagement of its closest competing intravenous iron treatment in the EU, *Pharmacosmos*' medicine *Monofer*<sup>39</sup>. *Vifor* has undertaken to carry out a comprehensive and multi-channel communication campaign to rectify and undo the effects of the potentially misleading messages previously disseminated regarding the safety of *Monofer*. *Vifor* also promised not to engage in external promotional and medical communications disparaging *Monofer*'s safety for a period of 10 years.

In October 2024, the Commission fined global pharmaceutical company *Teva* EUR 462.6 million for abusing its dominant position by delaying competition against *Copaxone* (glatiramer acetate), the company's 'blockbuster' medicine for the treatment of multiple sclerosis<sup>40</sup>. *Teva* had held a basic patent for glatiramer acetate until 2015. The Commission found that *Teva* artificially extended the patent protection of glatiramer acetate by creating a web of secondary patents regarding the manufacturing process and dosing regimen and subsequently enforcing them against competitors, resulting in prolonged legal battles and hindering entry of competing medicines. Moreover, *Teva*

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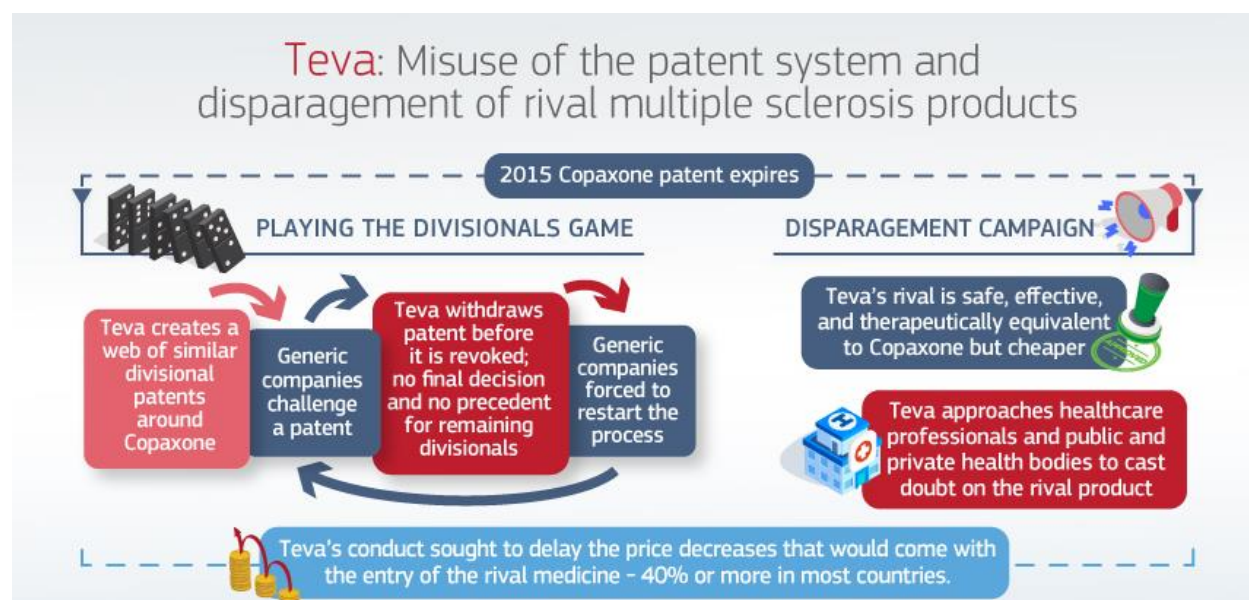
<sup>37</sup> Case AT.40632 – *Mondelez* – Trade restrictions.

<sup>38</sup> Case AT.40606 – *Farmed Atlantic Salmon*.

<sup>39</sup> Case AT.40577 – *Vifor* – IV iron products.

<sup>40</sup> Case AT.40588 – *TEVA* – *Copaxone*.

systematically spread misleading information about the competing product's safety, efficacy, and therapeutic equivalence with Copaxone, in order to hinder the competing product's market entry and uptake. Teva abused its dominant position in the markets for glatiramer acetate in Belgium, Czechia, Germany, Italy, the Netherlands, Poland, and Spain. The grave effects of Teva's anticompetitive behaviour are borne out by the fact that once the rival product entered the market, the list prices for glatiramer acetate fell by up to 80%.



Source: European Commission

Regulation No 1/2003 empowers the Commission to conduct unannounced inspections at the premises of companies suspected of infringing EU competition rules. In 2024, the Commission carried out unannounced inspections in several sectors, for example tyres (on two occasions)<sup>41</sup>, data centre construction<sup>42</sup> and financial services<sup>43</sup>. In June 2024, the Commission fined *International Flavors & Fragrances Inc.* and *International Flavors & Fragrances IFF France SAS* EUR 15.9 million for obstructing a Commission investigation by deleting data on a mobile phone during an inspection<sup>44</sup>.

In 2024, the Court of Justice and the General Court rendered several important judgments relating to the Commission's antitrust enforcement activities, confirming some of the most consequential decisions the Commission adopted in recent years:

<sup>41</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_561](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_561) and [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_3365](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_3365)

<sup>42</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_5926](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_5926)

<sup>43</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_4832](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_4832)

<sup>44</sup> Case AT.40882 – IFF – Deletion of data.

### **The General Court largely upheld the fine imposed on Qualcomm by the Commission**

In 2019, the Commission adopted a decision concluding that *Qualcomm*, a company active in the production of chipsets, had abused its dominant position by supplying Universal Mobile Telecommunications System (UMTS) chipsets to two of its key customers, Huawei and ZTE, below cost, with the intention of eliminating its competitor Icera. The Commission defined the relevant market as slim and integrated baseband chipsets compliant with the UMTS standard. The Commission found that Qualcomm held a worldwide dominant position on that market, at least from 1 January 2009 to 31 December 2011, and imposed a fine on the company of EUR 242 042 000. In its appeal, Qualcomm requested the General Court to annul the Commission's decision in its entirety or reduce substantially the amount of the fine. In its judgment of 18 September 2024, the General Court dismissed Qualcomm's challenge, with the exception of a plea concerning the calculation of the fine. The Court found that the Commission departed, without justification, from the methodology laid down in its 2006 fining guidelines. Therefore, the General Court reduced the fine imposed on Qualcomm to EUR 238 732 659<sup>45</sup>.

### **The Court of Justice upheld the Commission's decision in the Google Shopping case**

In a 2017 decision, the Commission found that *Google* had given preference, on its general search results pages, to the results of its own comparison-shopping service over those of competing comparison-shopping services. Google promoted its own results in a primary position in 'boxes' with accompanying image and text information. By contrast, the search results for competing comparison-shopping services appeared as simple generic results displayed as blue links. Google engaged in this behaviour in 13 countries in the European Economic Area. The Commission concluded that Google had abused its dominant position by engaging in exclusionary behaviour on the markets for online general searches and for specialised product searches and imposed a fine of EUR 2 424 495 000. Google and its parent company Alphabet appealed the Commission's decision before the General Court. In a judgment of November 2021, the General Court largely dismissed the challenge and upheld the fine. Following Google's and Alphabet's appeal of that judgment, the Court of Justice also upheld the Commission's decision<sup>46</sup>. The Court of Justice stated that, in principle, the fact that a dominant firm treats its own products or services more favourably than it treats those of its competitors cannot be regarded as in itself abusive. However, the Court of Justice found that, in the light of the characteristics of the market and the specific circumstances of the case, Google's conduct was discriminatory and did not constitute competition on the merits. The Court of Justice upheld the fine imposed by the Commission.

### **The General Court annulled the Commission's decision in Google AdSense**

On 18 September 2024, the General Court annulled the Commission's decision in *Google AdSense*<sup>47</sup>. The Commission found in its decision that Google had abused its dominant position through the use of an exclusivity clause, a placement clause, and a prior authorisation clause in the services agreement which Google used for its advertising platform AdSense, in order to restrict or prohibit the display of ads from competing services. Google subsequently removed or amended the clauses in question. While the General Court upheld the majority of the Commission's findings, it annulled the Commission's decision to impose on Google a fine of almost EUR 1.5 billion because the Commission had failed to take into consideration all the relevant circumstances when assessing the scope and duration of the three clauses. Accordingly,

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<sup>45</sup> Judgment of the General Court of 18.9.2024 in case T-671/19, *Qualcomm v Commission*.

<sup>46</sup> Judgment of the Court of Justice of 10.9.2024 in case C-48/22 P, *Google and Alphabet v Commission* (Google Shopping), ECLI:EU:C:2024:726.

<sup>47</sup> Judgment of the General Court of 18.9.2024 in case T-334/19, *Google and Alphabet v Commission* (Google AdSense for Search), ECLI:EU:T:2024:634.



the General Court concluded that the Commission had failed to establish that each clause constituted a self-standing abuse of a dominant position, and that they together constituted a single and continuous infringement of Article 102 TFEU.

### *Merger control*

In 2024, the Commission continued to enforce merger control rules to protect businesses and consumers from price increases, but also from a deterioration of other important parameters of competition such as quality, choice, and innovation in many important areas of the EU economy. Merger control prevents the creation of excessive market power, foreclosures, and the elimination of market entrants, thereby supporting the Commission's priorities.

In 2024, the Commission's merger control activities remained at a high level. The Commission adopted 398 merger decisions in various sectors, as compared to 333 in 2023. The vast majority of concentrations (351) were approved by simplified procedure. The Commission intervened<sup>48</sup> in 10 proposed acquisitions, of which 8 were approved subject to conditions. There was no prohibition in 2024, but two notified mergers were abandoned by the parties and withdrawn in Phase II<sup>49</sup>. The cases resulting in a clearance decision subject to commitments are summarised below, beginning with the three cases concluded after in-depth investigations.

In February 2024, the Commission approved the proposed acquisition by *Korean Air* of *Asiana Airlines*, subject to conditions<sup>50</sup>. The Commission was concerned that the transaction would harm competition in the markets for air cargo transport services between the EU and South Korea, and passenger air transport service on four routes between Seoul and certain EU destinations. To address the Commission's competitive concerns, Korean Air offered to divest Asiana's global cargo freighter business, and to make available to rival airline T'Way the necessary assets to enable it to start flight operations on the four overlapping routes.

In July 2024, the Commission authorised the proposed acquisition of joint control of *ITA* by *Lufthansa* and the *Italian Ministry of Economy and Finance* (MEF), subject to conditions<sup>51</sup>. To address the Commission's competitive concerns, Lufthansa and the MEF proposed (i) to make available to one or two rival airlines the necessary assets to enable them to start non-stop flights between Rome or Milan and certain airports in Central Europe, as well as ensure that one of these airlines will have access to ITA's domestic network to offer indirect connections between certain airports in Central Europe and certain Italian cities other than Rome and Milan, (ii) to enter into agreements with rivals to improve their competitiveness on the long-haul routes of concern, for instance through interlining agreements or slot swaps, and (iii) to transfer take-off and landing slots at Linate airport (Milan) to the remedy takers for short-haul routes connecting Italy with countries in central Europe.

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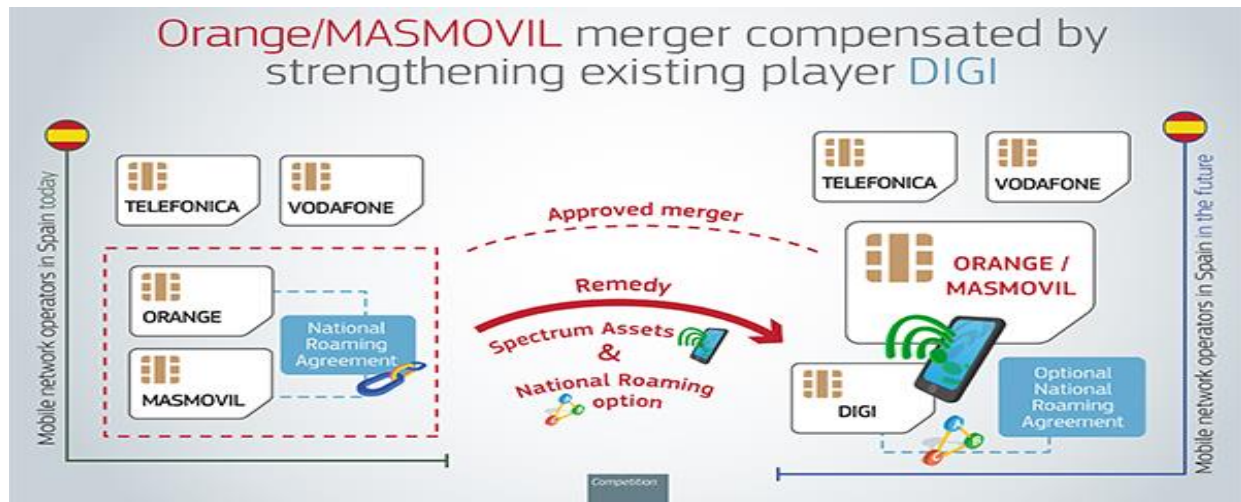
<sup>48</sup> Interventions in merger cases include prohibition decisions, mergers cleared subject to remedies as well as withdrawals in Phase II.

<sup>49</sup> Case M.10920 – *Amazon/iRobot* and Case M.11109 – *IAG/AIR EUROPA*.

<sup>50</sup> Case M.10149 – *Korean Airlines/Asiana Airlines*.

<sup>51</sup> Case M.11071 – *Deutsche Lufthansa/MEF/ITA*.

In February 2024, the Commission approved the proposed creation of a joint venture in Spain between *Orange* and *MásMóvil*, subject to conditions<sup>52</sup>. The companies offered to divest mobile spectrum held by MásMóvil to competitor Digi across three frequency spectrum bands (two medium frequency bands and one high frequency band). This will help Digi build its own network and ensure strong competitive constraints on the joint venture. Additionally, the companies will enter into an optional national roaming agreement. Digi can then decide whether or not the company wishes to use the optional roaming agreement.



Source: European Commission

Five cases were concluded after an initial investigation in which the Commission made its clearance decision conditional on commitments by the notifying parties. In February 2024, the Commission conditionally approved the proposed acquisition of *Bolloré Logistics* by *CMA CGM*<sup>53</sup>. Both companies play substantial roles within the global logistics and transport sectors. The parties offered to divest all of Bolloré Logistics' activities in Guadeloupe, Martinique, Saint Martin, and French Guiana, as well as a number of assets in metropolitan France linked to the divested activities. These remedies were designed to address competition concerns primarily related to the logistics market in the French overseas territories and metropolitan France.

In June 2024, after a Phase I investigation, the Commission approved the proposed acquisition of the European pharmaceutical over-the-counter business of *Viatrix* by *Cooper*<sup>54</sup>, subject to conditions. To address the Commission's competition concerns, the parties committed to divest the rights, title, and interests in the infant laxative medicine *Bebegel*, as well as those relating to the earwax removal product *Otowaxol*. The Commission concluded that the divestments fully address the competition concerns by creating opportunities for new competitors to enter and expand as viable competitors in the markets for these products.

<sup>52</sup> Case M.10896 – *Orange/MásMóvil/JV*.

<sup>53</sup> Case M.11143 – *Bolloré Logistics/CMA CGM*.

<sup>54</sup> Case M.11383 – *Viatrix/Cooper*.



In August 2024, the Commission conditionally approved *Bunge*'s acquisition of *Viterra*<sup>55</sup>. The two companies are global agribusinesses active across the agricultural value chain, from the upstream origination of crops to the downstream supply of food, feed and fuel products. The Commission's investigation showed that Bunge and Viterra exert significant market power on upstream farmers as well as on customers throughout the value chains of rapeseed and sunflower seeds in Central Europe. The Commission's clearance is conditional upon the divestment of Viterra's origination, processing and refining assets and personnel in Hungary and Poland.

In October 2024, the Commission conditionally approved the acquisition of *Courir* by *JD Sports*<sup>56</sup>. Both companies are multi-brand sports goods retailers, more specifically retailers of leisure sports footwear and apparel in several EEA countries. The Commission found that the merger would give rise to high combined market shares in several local markets in France and Portugal, leading to less competition, higher prices and less choice for consumers in these local markets. The Commission's clearance was conditional upon the divestment of all Courir stores in Portugal and several stores in certain local markets in France to Snipes, a direct competitor of the parties.

In October 2024, the Commission approved the acquisition of *EQOS* by *Eiffage*, subject to conditions.<sup>57</sup> EQOS and Eiffage, respectively headquartered in Germany and France, are active in the installation and maintenance of catenaries and overhead contact lines for long distance railway lines, including in Belgium. The Commission found that the merger would lead to higher prices, lower quality and less innovation, to the detriment of the railway infrastructure management in Belgium and ultimately of consumers. The decision is conditional upon the divestment of EQOS Belgium. This will enable an independent player to act as a new competitive constraint on the market. In December 2024, the Commission approved Stadsbader, a Belgian company active in the railway infrastructure sector, as the purchaser of EQOS Belgium.

**The General Court upheld the Commission decision authorising Vodafone's acquisition of Liberty Global's telecommunications activities in Germany, the Czech Republic, Hungary, and Romania**

In July 2019, the Commission approved *Vodafone*'s acquisition of *Liberty Global*, subject to commitments. In Germany, the transaction consisted of the acquisition of sole control of *Unitymedia*, a company providing television and broadband internet services. Three German companies - *Deutsche Telekom*, *Tele Columbus* and *NetCologne* - appealed the Commission decision. The General Court dismissed the appeal. In its decision, the Commission had found that prior to the transaction, the merging firms were neither actual, nor potential competitors in the markets for the retail supply of TV signal transmission services in Germany. The General Court confirmed that finding and, accordingly, the Commission could legitimately find that there was no significant impediment to effective competition as a result of the concentration.

**The Court of Justice annulled the Commission's jurisdiction decisions in Illumina/GRAIL**

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<sup>55</sup> Case M.11204, *Bunge/Viterra*.

<sup>56</sup> Case M.11159, *JD Sports / Groupe Courir*.

<sup>57</sup> Case M.11577, *Eiffage/Eqos*.

By setting aside the judgment of the General Court, the Court of Justice annulled – in its judgment of 3 September 2024<sup>58</sup> - the Commission's decisions<sup>59</sup> to examine the acquisition of *GRAIL* by *Illumina* under Article 22(3) of the EU Merger Regulation (EUMR)<sup>60</sup>. In view of the principle of good administration, the Commission subsequently withdrew all decisions adopted under the premise that it had jurisdiction to scrutinise the *Illumina/GRAIL* merger.<sup>61</sup> In September 2022, the Commission had blocked the proposed transaction over concerns that it would have significant anticompetitive effects, stifling innovation and reducing choice in the market for blood-based early cancer detection tests.

The Court of Justice held that *'The Commission is not authorised to encourage or accept referrals of proposed concentrations without a European dimension from national competition authorities where those authorities are not competent to examine those proposed concentrations under their own national law.'*

In line with the judgment, the Commission withdrew its 2021 guidance on Article 22 of the EUMR, which encouraged Member States to refer certain types of cases even if they did not meet the turnover thresholds for EU merger control. Moreover, the Commission stated that it would continue to accept referrals made under Article 22 Merger Regulation by Member States only where they are competent to review a concentration under their national rules or do not have a merger control regime at all. The Commission also stated that it would consider further steps to ensure that it is able to review cases where a proposed merger could have a negative impact on competition in the EU but does not otherwise meet the EUMR notification thresholds<sup>62</sup>.

### *State aid control*

Investments in digital infrastructure, technologies and services are key drivers of economic growth, not only in the digital sector but in the whole economy. Such investments are necessary to achieve the policy objectives set out in the Digital Decade Policy Programme<sup>63</sup>. State support for risky investments in the digital sphere can be necessary to address market failures (that is to say when relying on private initiatives only would result in investment levels that are too low from a societal point of view).

In April 2024, Slovakia's plans to compensate digital terrestrial television (DTT) network operator *Towercom* for its direct costs incurred for the release of the 700 MHz band were approved by the Commission<sup>64</sup>. *Towercom* will receive a compensation of EUR 11.7 million. This follows a Decision of the European Parliament and the Council pursuing the release of the 700 MHz band in favour of

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<sup>58</sup> Judgment of the Court of Justice of 3.9.2024 in joined cases C-611/22 P and C-625/22, *Illumina and Grail v Commission*, ECLI:EU:C:2024:677.

<sup>59</sup> In March 2021, the French Competition Authority sought to refer to the Commission *Illumina's* proposed acquisition of *GRAIL* under Article 22 Merger Regulation. On 19 April 2022, the Commission accepted the Article 22 referral. The referral request was subsequently joined by the national competition authorities in the Netherlands, Belgium, Greece, Iceland, and Norway.

<sup>60</sup> Case M.10188 – *Illumina/GRAIL*.

<sup>61</sup> Namely: (i) the decision adopted on 22.7.2021 opening a phase II investigation into the proposed acquisition of *GRAIL* by *Illumina* (M.10188), (ii) the decision adopted on 6.9.2022 prohibiting the acquisition of *GRAIL* by *Illumina* (M.10188), (iii) two decisions concerning interim measures adopted on 29.10.2021 (M.10493) and on 28.10.2022 (M.10938), (iv) the decision adopted on 12.10.2023 ordering restorative measures requiring *Illumina* to unwind its acquisition of *GRAIL* (M.10939), and (v) the decision adopted on 12.7.2023 fining *Illumina* and *GRAIL* for implementing their merger before approval by the Commission (M.10483).

<sup>62</sup> Statement by Executive Vice-President Vestager of 3.9.2024. [https://ec.europa.eu/commission/presscorner/detail/en/statement\\_24\\_4525](https://ec.europa.eu/commission/presscorner/detail/en/statement_24_4525).

<sup>63</sup> Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030.

<sup>64</sup> Case SA.55953 – Slovakia – Compensation to *Towercom* for the costs resulting from the release of the 700 MHz band.

mobile communications by June 2020<sup>65</sup> and allowing adequate compensation of DTT operators in accordance with State aid rules.

In May 2024, the Commission approved a EUR 2 billion Italian State aid measure to support *STMicroelectronics* in the construction and operation of an integrated chip manufacturing plant for silicon carbide power devices in Catania, Sicily<sup>66</sup>. The project builds on technologies that have been and will be developed as part of Important Projects of Common European Interest (IPCEIs) for research and innovation in microelectronics<sup>67</sup>. The measure will strengthen the EU's security of supply, resilience, and digital sovereignty in semiconductor technologies, in line with the objectives set out in the European Chips Act Communication<sup>68</sup>.

In some instances, the Commission concluded that the support measures were not in line with EU State aid rules.

For instance, in 2024, the Commission assessed the restructuring plan implemented by Romania for *Blue Air*. The Romanian airline Blue Air had been in financial difficulty since 2019. In 2020, Romania granted a public guarantee to compensate the airline for damage directly caused by the coronavirus and a public guarantee on a rescue loan. Public support for companies in difficulty must be backed up by viable plans to ensure long-term viability of the aid recipient. In February 2024, the Commission concluded that the restructuring plan implemented for Blue Air were not in line with EU State aid rules<sup>69</sup>.

In June 2024, the Commission concluded that Hungary's plan to support the construction of a new automotive components plant in Észak Magyarország was not in line with EU State aid rules<sup>70</sup>. Regional aid must incentivise a company to carry out an additional activity in a disadvantaged area and this requirement was not fulfilled in this case. The Commission concluded that Hungary failed to prove that the aid was decisive for the beneficiary to locate its investment in Hungary.

In April 2024, the Commission concluded that Czechia's investment support granted to certain large Czech agricultural companies in 2017 and 2018 was not in line with EU State aid rules<sup>71</sup>. Czechia must recover the incompatible State aid. The aid was based on the former Agricultural Block Exemption Regulation,<sup>72</sup> under which the aid can only be granted to SMEs. The Czech authorities erroneously qualified some of the beneficiaries as SMEs, while they were in fact large enterprises.

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<sup>65</sup> Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union, L 138/131.

<sup>66</sup> Case SA.107594 – Italy – Catania Campus – *STMicroelectronics S.r.l.*

<sup>67</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_18\\_6862](https://ec.europa.eu/commission/presscorner/detail/en/ip_18_6862), and [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_23\\_3087](https://ec.europa.eu/commission/presscorner/detail/en/IP_23_3087)

<sup>68</sup> Regulation (EU) 2023/1781 of the European Parliament and of the Council of 13 September 2023 establishing a framework of measures for strengthening Europe's semiconductor ecosystem and amending Regulation (EU) 2021/694 (Chips Act), OJ L 229, 18.9.2023, p. 1.

<sup>69</sup> Case SA.62829 – Romania – *Blue Air*.

<sup>70</sup> Case SA.63470 – Hungary – *LIP – Regional investment aid to Rubin NewCo 2021 Kft.*

<sup>71</sup> Cases SA.50787 and SA.50837 – Czechia – *Aid for restructuring of orchards and aid for the construction of drip irrigation in orchards, hop fields, vineyards and nurseries.*

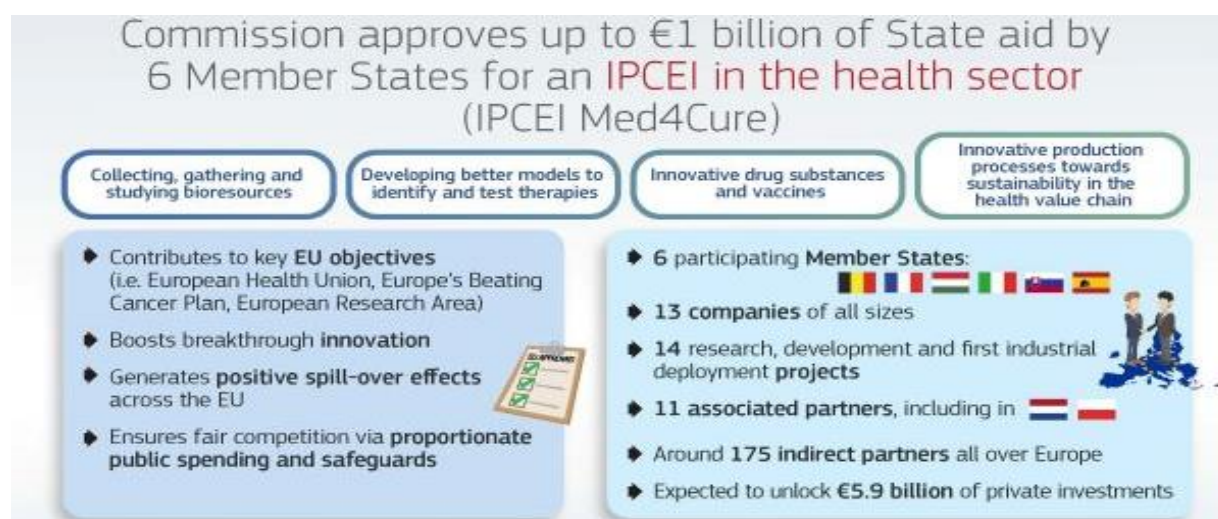
<sup>72</sup> Commission Regulation (EU) No 702/2014 of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union, OJ L 193, 1.7.2014, p. 1–75.

One of the principal drivers of competitiveness is innovation. State aid rules allow Member States to support the development of state-of-the-art technologies with public funding. IPCEIs serve this purpose. They enable Member States to pool State resources in strategic sectors and technologies of common EU interest, especially in sectors where markets alone do not deliver the desired outcome.

The Commission closely cooperated with Member States in the Joint European Forum for IPCEIs (JEF-IPCEI), to improve and speed up the design and assessment process of new IPCEIs<sup>73</sup>.

### IPCEIs in health and pharmaceuticals

In May 2024, the Commission approved the first IPCEI to support research, innovation and the first industrial deployment of healthcare products, as well as innovative production processes of pharmaceuticals (*IPCEI Med4Cure*)<sup>74</sup>. This IPCEI will contribute to the European Health Union's objectives by addressing diseases for which there are no satisfactory means of prevention or treatment. It will also increase the EU's preparedness for emerging health threats. The project was jointly notified by six Member States. The Member States will provide up to EUR 1 billion in public funding, which is expected to unlock additional EUR 5.9 billion in private investments. Thirteen companies, including nine SMEs, will carry out projects as part of the IPCEI Med4Cure.



Source: European Commission

### 3.2 Supporting the green transition

Competition policy contributes to the EU's environmental objectives and climate targets, for example the decarbonisation of the EU economy and the shift from fossil fuels to alternative fuels in transport.

<sup>73</sup> See: [https://competition-policy.ec.europa.eu/state-aid/ipcei/joint-european-forum-ipcei\\_en](https://competition-policy.ec.europa.eu/state-aid/ipcei/joint-european-forum-ipcei_en)

<sup>74</sup> Cases SA.105088 – Belgium; SA.104974 – France; SA.105126 – Hungary; SA.105085 – Italy; SA.105097 – Slovakia; SA.105098 – Spain, RRF – Important Project of Common European Interest on health (IPCEI-Med4Cure).

Competition law enforcement contributes to the European Green Deal<sup>75</sup> by keeping markets efficient, fair, and innovative.

### *Antitrust enforcement*

In 2024, the Commission continued to fight anticompetitive market behaviour hindering the green transition. A shift from road transport to environment-friendlier modes of transport is crucial. Rail transport in particular reduces the carbon footprint. This shift cannot be achieved without effective competitive, and attractive rail transport services.

In October 2024, the Czech and Austrian rail incumbents - *České dráhy* (ČD) and *Österreichische Bundesbahnen* (ÖBB) - were fined EUR 48.7 million for infringing EU competition rules<sup>76</sup>. ČD and ÖBB provide rail passenger transport services in Czechia and Austria. ČD and ÖBB colluded to prevent a new entrant, RegioJet, from acquiring used wagons from ÖBB, on which RegioJet largely relied to compete. In order to exclude RegioJet from the market, ČD and ÖBB exchanged confidential information about sales procedures, bids and the degree of interest of other bidders, thereby rigging the sales of rolling stock so that ČD could buy the used wagons instead of RegioJet.

In January 2024, the Commission made legally binding commitments by *Renfe*, thereby opening up competition in online rail ticketing in Spain<sup>77</sup>. The Commission concluded that the commitments offered by Renfe addressed its preliminary concerns that Renfe may have infringed Article 102 TFEU by refusing to supply all its content and real-time data (RTD) to third-party ticketing platforms (TPTPs). Renfe's commitments open up competition in online rail ticketing in Spain, contributing to more affordable rail services and promoting environmentally friendly means of transport.

### *Merger control*

In 2024, the Commission investigated and examined multiple mergers and acquisitions relating to green technologies and sustainability efforts, in sectors such as renewable energy<sup>78</sup>, electric vehicle charging stations<sup>79</sup> and biofuels<sup>80</sup>.

In August 2024, the Commission approved the creation of two joint ventures by three French-based companies, *Eramet*, *Suez RV France* and *TFIN*<sup>81</sup>. The three parent companies are active respectively in the extraction and recovery of metals, in water and waste management services, and in closed-loop recycling solutions at each stage of a vehicle's life. The transaction mainly concerned the recycling of lithium-ion batteries from electric vehicles and residues from their production.

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<sup>75</sup> Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, the European Green Deal, COM(2019) 640 final.

<sup>76</sup> Case AT.40401 – *Second-hand Rolling Stock*.

<sup>77</sup> Case AT.40735 – *Renfe – Online rail ticket distribution in Spain*.

<sup>78</sup> Case M.11632 – *Alten/Worldgrid*.

<sup>79</sup> Case M.11745 – *Die Schweizerische Post/Fenaco/PowerUp JV*.

<sup>80</sup> Case M.11639 – *Enliva/LG Chem/JV*.

<sup>81</sup> Case M.11371 – *Eramet/Suez RV/TFIN/JV*.



In October 2024, the Commission unconditionally approved the proposed acquisition of Terna, a Greek renewable energy company listed on the Athens Stock Exchange, by Masdar of the United Arab Emirates (UAE)<sup>82</sup>. Masdar is a renewable energy and sustainability company that advances solutions in energy, water, urban development, and clean technologies around the world.

### *State aid control*

Considerable funds will need to be mobilised to support the greening of the EU economy, mainly from private sources, but, where necessary, incentivised and/or complemented by public funds. Existing state aid control rules offer multiple possibilities for Member States to finance initiatives that contribute to the decarbonisation and greening of the economy.

In 2024, the Commission approved 51 State aid measures<sup>83</sup> aimed at accelerating the green transition across various sectors. These measures include substantial support for renewable energy projects, industrial decarbonization efforts, and clean mobility initiatives. For example, approved State aid measures have supported the expansion of renewable energy sources such as wind and solar power, the adoption of low-carbon technologies in industrial production, and the development of sustainable transport solutions, including electric vehicle infrastructure and hydrogen-powered mobility. These initiatives not only contribute to climate neutrality but also promote economic resilience and competitiveness within the EU.

In November 2024, the Commission decided that a German EUR 1.9 billion State aid measure supporting *DB Cargo*<sup>84</sup> was in line with EU State aid rules as assessed under the EU Guidelines on rescue and restructuring aid<sup>85</sup>. DB Cargo is the biggest EU rail freight operator by size and turnover and a fully owned subsidiary of State-owned Deutsche Bahn (DB). In the assessment of the compatibility of the aid, the Commission took into account the paramount importance of rail freight as a sustainable lower-emissions alternative to road transport and its role as indispensable solution to the ecological transformation of logistics circuits.

IPCEIs may be designed to stimulate innovation in clean technologies and increase energy and resource efficiency. To this end, the IPCEI *Hy2Infra* was approved by the Commission.

### **IPCEI in hydrogen infrastructure**

In February 2024, the Commission approved an IPCEI which supports hydrogen infrastructure (*IPCEI Hy2Infra*)<sup>86</sup>. Seven Member States will provide up to EUR 6.9 billion in public funding, which is expected to unlock EUR 5.4 billion in private investments. As part of this IPCEI, 32 companies with activities in one or more Member States, including SMEs, will participate in 33 projects. The IPCEI

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<sup>82</sup> Case M.11634 – *Masdar/Terna*.

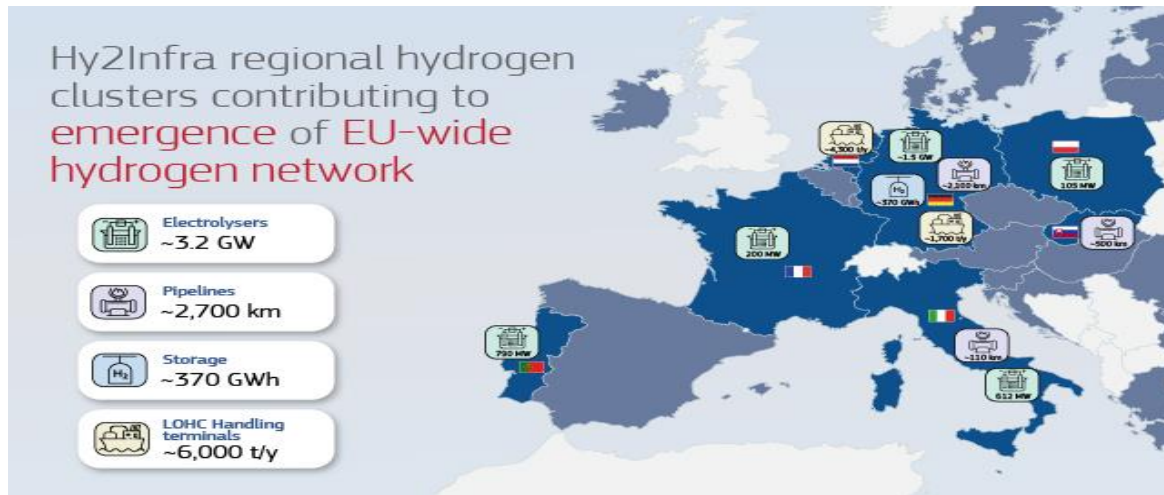
<sup>83</sup> This number does not include aid granted under the GBER.

<sup>84</sup> Case SA.50952 – Germany – *Alleged State aid measures in favour of DB Cargo*.

<sup>85</sup> Communication from the Commission – Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, OJ C 249, 31.7.2014, p. 1–28.

<sup>86</sup> Cases SA.102821 – France; SA.102825 – Germany; SA.102815 – Italy; SA.102807 – The Netherlands; SA.102810 – Poland; SA.103494 – Portugal; SA.102811 – Slovakia, RRF – *Important Project of Common European Interest on Hydrogen Infrastructure (IPCEI Hy2Infra)*.

Hy2Infra will boost the supply of renewable hydrogen, reducing dependency on natural gas. Doing so, the IPCEI will help to achieve the objectives of the European Green Deal as well as the REPowerEU Plan.

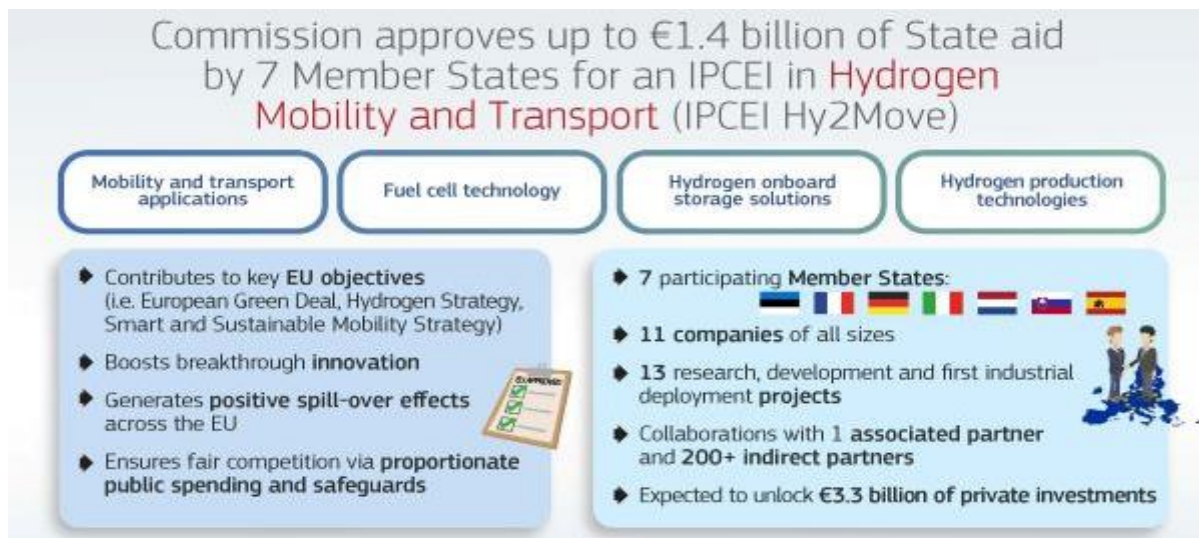


Source: European Commission

### IPCEIs in the hydrogen value chain

In May 2024, the Commission approved an IPCEI to support research, innovation and the first industrial deployment in the hydrogen value chain (*IPCEI Hy2Move*)<sup>87</sup>. Seven Member States will provide up to EUR 1.4 billion in public funding, which is expected to unlock additional EUR 3.3 billion in private investments. As part of this IPCEI, 11 companies with activities in one or more Member States, including SMEs and start-ups, will carry out 13 projects. The project contributes to the EU's target of 90% reduction of emissions from the mobility and transport sectors, to allow the EU to become climate-neutral by 2050.

<sup>87</sup> Cases SA.104442 – Estonia; SA.104668 – France; SA.104676 – Germany; SA.104453 – Italy; SA.104440 – The Netherlands; SA.104434 – Slovakia; SA.104435 – Spain, RRF – *Important Project of Common European Interest on Hydrogen on Mobility & Transport (IPCEI Hy2Move)*.



Source: European Commission

In February 2024, a EUR 1.3 billion German State aid measure<sup>88</sup> was approved by the Commission under the Guidelines on State aid for climate, environmental protection, and energy (CEEAG)<sup>89</sup>. Partially financed via the RRF, it supports *ArcelorMittal* in decarbonising part of its steel production processes. The State aid scheme contributes to the targets set up in the EU Hydrogen Strategy, the European Green Deal, and the Green Deal Industrial Plan. Moreover, the measure reduces dependence on Russian fossil fuels and will fast-forward the green transition, in line with the REPowerEU Plan.

Also, under the CEEAG, in June 2024 the Commission approved a EUR 265 million Swedish measure partially financed through the RRF. The measure will support *H2GS AB* in setting up a large-scale green steel plant<sup>90</sup>. In addition, in October 2024, the Commission approved a EUR 128 million Swedish measure to support *SSAB* in decarbonising its steel production. The measure is designed to accelerate the *SSAB*'s transition to electrified steelmaking at its steel plants in Sweden and contribute to the greening of the steel value chain<sup>91</sup>. This State aid measure is in line with the EU's target of climate neutrality by 2050.

In April 2024, under the RAG, the Commission approved a Slovak State aid measure that will contribute to job creation, regional development, and the European Green Deal. The State aid amounted to EUR 267 million<sup>92</sup>. The investment aid will support the establishment of a new electric passenger vehicles production plant in Valaliky, Eastern Slovakia.

<sup>88</sup> Case SA.104898 – Germany – RRF – *ArcelorMittal (Bremen & Eisenhüttenstadt)*.

<sup>89</sup> Communication from the Commission – Guidelines on State aid for climate, environmental protection and energy 2022 (OJ C 80, 18.2.2022, pp. 1–89).

<sup>90</sup> Case SA.110031 – Sweden – *Sweden setting up a large-scale green steel plant*.

<sup>91</sup> Case SA.109640 – Sweden – *Support to SSAB Luleå for the transition to carbon-neutral production of slabs*.

<sup>92</sup> Case SA.103740 – Slovakia – *Regional investment aid to Volvo Car Slovakia s. r. o.*



The Commission approved, under the State aid framework for research and development and innovation<sup>93</sup>, in April 2024 a French State aid measure with a budget of EUR 300 million<sup>94</sup>. It supports *Electricité de France* subsidiary *Nuward* in researching and developing small modular nuclear reactors.

In July 2024, the Commission approved a French State aid scheme under the TCTF, which will support for 20 years the deployment of offshore wind energy, contributing to the transition towards a net-zero economy. The budget of the scheme is EUR 10.82 billion<sup>95</sup>.

In 2024 the Commission approved under the TCTF EUR 902 million in investment aid to *Northvolt*, for the construction of an electric vehicle battery plant<sup>96</sup>. Without the aid, the company would have invested in the United States and not in the EU.

In May 2024, a EUR 3.2 billion Czech *scheme* was approved by the Commission under the CEEAG<sup>97</sup>, which will *support the electricity generation from new and modernised high-efficiency combined heat and power plants*. The scheme will contribute to the implementation of Czechia's National Energy and Climate Plan, the European Green Deal and EU's energy efficiency targets.

### 3.3. Supporting an economy that works for people

#### Financial services sector

In 2022, the Commission had provisionally found that *Apple* restricted competition by abusing its dominant position in the market for mobile wallets<sup>98</sup> used on iOS devices by limiting access to such functionality on iPhones for in-store payments ('tap and go'), thereby reserving access to Apple Pay<sup>99</sup>. In July 2024, the Commission found that the commitments offered by Apple addressed its preliminary concerns and made them legally binding. Apple committed to allow rivals to access the 'tap and go' technology of iPhones (or Near Field Communication)<sup>100</sup>, allowing iPhone users to have a wider range of safe and innovative mobile wallets to choose from<sup>101</sup>.

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<sup>93</sup> Communication from the Commission - Framework for State aid for research and development and innovation (OJ C 414, 28.10.2022, pp. 1–38).

<sup>94</sup> Case SA.106964 – France – *Soutien à la phase APD du projet Nuward*.

<sup>95</sup> Case SA.109161 – France – *TCTF FR Régime de soutien à Deux parcs éoliens en mer posés, l'un en Sud Atlantique et l'autre au large de la Normandie dans la zone Centre Manche 2*.

<sup>96</sup> Case SA.107936 Germany– TCTF – *Aid to Northvolt Germany GmbH*.

<sup>97</sup> Case SA.108368 – Czechia – *Support for electricity from high-efficiency combined heat and power generation*.

<sup>98</sup> A mobile wallet is a digital way to store credit, debit, ID, and gift cards so that purchases can be made using a mobile smart device rather than a physical card.

<sup>99</sup> Case AT.40452 – *Apple - Mobile Payments*.

<sup>100</sup> Near-field communication (NFC) is a set of communication protocols that enables communication between two electronic devices over a distance of 4 cm.

<sup>101</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_3706](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_3706)



Source: European Commission

In 2024, the Commission examined several **mergers in the financial services sector**. For example, in March 2024, the Commission approved the creation of a joint venture by *Worldline* and *Crédit Agricole*, both based in France<sup>102</sup>. The joint venture is targeting the market for the provision of acquiring and acceptance services<sup>103</sup> to French and foreign merchants in France. In June 2024, the Commission approved the acquisition of sole control of *Alpha Bank Romania* by *UniCredit*<sup>104</sup>. The transaction related to various banking and financial services in Romania, such as retail and corporate banking, and financial market services.

In 2024, the Commission authorised the prolongations and reintroductions of certain existing **State aid schemes enabling Member States to provide aid for the restructuring of or orderly market exit of financial firms in distress**. For example, in September 2024, the Commission authorised the reintroduction of a Polish scheme for the liquidation of credit unions, in place since 2014<sup>105</sup>. Moreover, in April and December 2024, the Commission approved a Cypriot reintroduction and amendment of the scheme for the management of loans granted under Government Housing Plans (OIKIA scheme) providing grants in the form of partial debt write-offs to borrowers encountering difficulties in repaying their loans under a government housing plan<sup>106</sup>. In December 2024, the Commission agreed to another extension of the *Hercules* asset protection scheme in Greece. Hercules

<sup>102</sup> Case M.11120 – *Worldline/Crédit Agricole/JV*.

<sup>103</sup> Acquiring is a set of services that enables merchants to accept payment cards (for example when a customer puts the card on the payment terminal and the terminal approves the payment – the services that enable this approval are the acquiring services). Acceptance is a service that allows a merchant to optimise its connection to multiple acquirers (those providing acquiring services). This is mainly for big merchants (for example a supermarket) to whom hundreds / thousands of payments are made each day and who would usually be connected to multiple acquirers to optimise these payments.

<sup>104</sup> Case M.11546 – *Unicredit/Alpha Bank Romania*.

<sup>105</sup> Case SA.114922 – Poland – *Reintroduction of the Credit Unions Orderly Liquidation Scheme*.

<sup>106</sup> Case SA.112704 – Cyprus – *Scheme for the management of loans granted under Government Housing Plans (OIKIA scheme)* and Case SA.116563 – Cyprus – *Amendment of the scheme for the management of loans granted under Government Housing Plans (OIKIA scheme)*

assists banks in the securitisation and offloading of non-performing loans from their balance sheets<sup>107</sup>.

### *Taxation*

In February 2024, the Commission closed the State aid investigation into **Danish<sup>108</sup> and Swedish<sup>109</sup> public financing of the Øresund fixed rail-road link**. The Commission concluded that neither the guarantee granted by Denmark and Sweden, nor the construction constituted new State aid. However, a part of the tax support granted and implemented by Denmark was deemed to constitute new State aid that was disproportionate and therefore incompatible with State aid rules. Denmark had to recover the incompatible aid.

In June 2024, the Commission adopted two decisions regarding Germany<sup>110</sup>. The Commission concluded that **Germany's special tax scheme for public casino operators** was not in line with the EU State aid rules. Therefore, the incompatible State aid had to be recovered, and the tax schemes abolished.

### **The Court of Justice confirmed the Commission's decision that Ireland granted Apple unlawful State aid**

In a 2016 decision, the Commission concluded that companies belonging to the *Apple Group* had - from 1991 to 2014 - received tax advantages granted by Ireland that constituted unlawful State aid. The aid concerned profits generated by Apple outside the U.S. Ireland had issued two tax rulings favouring two companies in the Apple Group. Both companies were incorporated in Ireland but not tax resident there. In its decision, the Commission found that by excluding from the tax base profits generated by the two companies on the ground that the head offices of those companies were located outside Ireland, the tax rulings had conferred on those companies unlawful State aid incompatible with the EU internal market. The Commission therefore ordered Ireland to recover aid estimated at EUR 13 billion. In 2020, the General Court annulled the Commission's decision, holding that the Commission had not sufficiently established that the Apple Group companies enjoyed a selective advantage. On 10 September 2024, the Court of Justice set aside the General Court's judgment and confirmed the Commission's decision<sup>111</sup>. The Commission welcomed the judgment by the Court of Justice and drew the following conclusions. Member States have the exclusive competence to define their corporate taxation system. This does not mean that tax rulings escape EU State aid control. The Commission can exercise control to avoid that companies receive unfair tax advantages through rulings that derogate from national law, domestic case law or administrative practice. It is crucial that the tax administration abides by its own rules. But it is the Commission that must prove that Member States deviated from their own tax rules<sup>112</sup>.

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<sup>107</sup> Case SA. 116229 - Greece - Prolongation and amendment of the reintroduced Hercules Scheme

<sup>108</sup> Case SA.52162 – Denmark – *State aid in favour of the Øresund Bridge Consortium*.

<sup>109</sup> Case SA.52617 – Sweden – *State aid in favour of the Øresund Bridge Consortium*.

<sup>110</sup> Cases SA.44944 and SA.53552 – Germany – *Tax treatment of public casinos operators in Germany*.

<sup>111</sup> Judgment of the Court of 10.09.2024 in Case C-465/20 P, *Commission v Ireland and Others*.

<sup>112</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/speech\\_24\\_4624](https://ec.europa.eu/commission/presscorner/detail/en/speech_24_4624)

## 4. Effective enforcement of the Digital Market Act and the Foreign Subsidies Regulation

### 4.1. Addressing the challenges and dynamics of digital markets by enforcing the DMA

The DMA<sup>113</sup> is a Single Market regulatory instrument that aims to make the digital sector in the EU more contestable and put an end to unfair practices by companies acting as ‘gatekeepers’ in the online platform economy. Companies formally designated as gatekeepers must comply with a set of obligations set out in the DMA<sup>114</sup>.

The first six designated gatekeepers<sup>115</sup> submitted their DMA compliance reports in March 2024<sup>116</sup>. Later in the same month the Commission opened formal non-compliance investigations against *Alphabet*, *Apple* and *Meta*. These investigations concerned: Alphabet’s and Apple’s rules on steering, in their respective app stores (i.e. Google Play; App Store); Alphabet’s self-preferencing on Google Search; Apple’s user choice obligations, including the web browser choice screen, uninstallation and defaults; and Meta’s ‘pay or consent’ advertising model. The Commission suspected that the compliance measures put in place by these gatekeepers fell short of effective compliance and did not provide companies operating in the EU as well as EU citizens with the wide range of opportunities provided for by the DMA.

For core platform services, the Commission carried out five in-depth market investigations following rebuttals of respective companies of their presumed gatekeeper status, carefully reviewing a wide range of market players’ as well as the gatekeepers’ views. As a result, the Commission decided, first, in February 2024 that, despite meeting the thresholds, some of Microsoft’s core platform services – namely Microsoft’s online search engine Bing, web browser Edge and online advertising service Microsoft Advertising – and Apple’s messaging service iMessage, do not qualify as gatekeeper services. Second, in addition to deciding not to designate X Ads and TikTok Ads as core platform services in May 2024, the Commission concluded in October 2024 its fifth market investigation by deciding that the online social networking service X should not be designated as a core platform service, as it does not constitute under the DMA an important gateway for business users to reach end users<sup>117</sup>. In total, the Commission adopted six non-designation decisions in 2024.

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<sup>113</sup> Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), OJ L 265, 12.10.2022, p. 1.

<sup>114</sup> For example, companies designated as gatekeepers for one or more core platform services under the DMA must allow third parties to inter-operate with the gatekeeper’s own services in certain specific situations; allow their business users to access the data they generate when operating the platform; provide platform advertisers with the tools and information necessary for verifying advertisements hosted by the gatekeeper; allow business users to promote their offers and conclude contracts with customers outside the gatekeeper’s platform. Designated gatekeepers are, for example, prohibited from treating their own products and services more favourably in ranking than similar products and services or products offered by third parties; they can no longer prevent consumers from linking up to businesses outside its platforms; they cannot prevent users from un-installing any pre-installed software or app or track end users outside the core platform service for the purpose of targeted advertising without consent.

<sup>115</sup> In September 2023, the Commission designated six gatekeepers under the DMA – *Alphabet*, *Amazon*, *Apple*, *ByteDance*, *Meta*, and *Microsoft* in relation to 22 core platform services provided by these gatekeepers.

<sup>116</sup> Public versions of these reports have been published. See: <https://digital-markets-act-cases.ec.europa.eu/reports/compliance-reports>.

<sup>117</sup> The non-confidential version of the decision will be published on the Commission’s website dedicated to the DMA.

In June 2024 the Commission informed Apple of its preliminary view that its App Store steering rules are in breach of the DMA because they prevent app developers from freely steering consumers to alternative channels for offers and content. In addition, in the same month the Commission opened a new non-compliance procedure against Apple regarding its contractual requirements for third-party app developers and app stores, including Apple's new 'Core Technology Fee'.

In July 2024, the Commission informed Meta of its preliminary findings that its 'pay or consent' advertising model did not comply with the DMA by opening non-compliance proceedings. In the Commission's preliminary view, this binary choice forces users to consent to the combination of their personal data and fails to provide them with an equivalent version of Meta's social networks with fewer personalised ads.

Moreover, in April 2024, the Commission designated Apple as a gatekeeper with respect to its operating system iPadOS for use in the company's tablets (iPads), which unlocks the opportunities set forth in the DMA to all companies operating in the EU. In May 2024, the Commission designated *Booking* as a gatekeeper under the DMA for its online intermediation service Booking.com. It had six months, until 14 November 2024 to ensure full compliance with DMA obligations for this service. On 13 November 2024, Booking published a compliance report detailing the measures it has taken for Booking.com to comply with the DMA.<sup>118</sup>

In September 2024, the Commission initiated two specification proceedings<sup>119</sup> to assist Apple in complying with its obligations under the DMA to provide, to third party developers and businesses, free and effective interoperability with hardware and software features controlled by Apple's operating systems iOS and iPadOS, designated under the DMA. On 18 December 2024, the Commission sent preliminary findings to Apple in both specification proceedings. These preliminary findings proposed measures, taking account of Apple's and third parties' input, for Apple to ensure interoperability of connected devices with iPhones and to make interoperability by third parties more predictable and transparent, as required by the DMA.

In July 2024, the General Court issued its judgment concerning *Bytedance's* challenge of being designated as a gatekeeper under the DMA. The General Court dismissed the appeal.

The DMA calls for close cooperation between the Commission as the sole enforcer of the Act, NCAs and other concerned parties. To this end, a *High-Level Group* was created<sup>120</sup>. The main objectives of the High-Level Group are to support a coherent and effective implementation of the DMA and other sector-specific regulations applicable to gatekeepers. In 2024, the High-Level Group met eight times.

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<sup>118</sup> See: <https://digital-markets-act-cases.ec.europa.eu/reports/compliance-reports>.

<sup>119</sup> Pursuant to Article 8(2) of the DMA, the Commission may, on its own initiative, adopt a decision specifying the measures a gatekeeper has to implement to ensure effective compliance with substantive DMA obligations, such as the interoperability obligation of Article 6(7) DMA.

<sup>120</sup> The High-level group is composed of 30 representatives nominated from the [Body of the European Regulators for Electronic Communications](#) (BEREC), the [European Data Protection Supervisor](#) (EDPS) and [European Data Protection Board](#), the [European Competition Network](#) (ECN), the [Consumer Protection Cooperation Network](#) (CPC Network), and the [European Regulatory Group of Audiovisual Media Regulators](#) (ERGA).



More information on how the Commission enforces the DMA is available in the DMA annual report.

#### 4.2. Protecting the Single Market from distortive foreign subsidies by enforcing the FSR

In 2024, the Commission rigorously enforced the FSR<sup>121</sup> to protect the Single Market from competition-distortive subsidies granted by non-EU countries to companies operating in the Single Market. The FSR provides a framework for addressing distortion caused in the Single market by foreign subsidies with a view to ensuring a level playing field. Such distortions can arise with respect to any economic activity, and in particular in concentrations and public procurement procedures. At the same time, the FSR ensures that the EU Single Market remains open to trade and investment from third countries<sup>122</sup>.

In 2024, the Commission received 102 concentration notifications under the FSR. In 2024, the Commission opened a preliminary review in the field of security equipment for airports and ports. As a part of this investigation, the Commission carried out unannounced inspections under the FSR at the Dutch and Polish premises of *Nuctech*, a Chinese company active in the production and sale of security equipment in the EU. The Commission had indications that the inspected company may have received foreign subsidies that could distort competition in the Single Market<sup>123</sup>. Furthermore, the Commission opened a preliminary review in the field of wind energy.

Amongst the 102 concentration notifications received under the FSR, the Commission opened one in-depth investigation, concerning the acquisition by *Emirates Telecommunications Group Company PJSC* (e&) of sole control of *PPF Telecom Group B.V.* (PPF), excluding its Czech business<sup>124</sup>. The Commission conditionally approved this transaction in September 2024, subject to the full compliance with the commitments offered by the parties. e& is a telecommunications operator based in the UAE and controlled by the sovereign wealth fund Emirates Investment Authority (EIA). PPF, headquartered in the Netherlands, is a telecommunications operator active in Czechia, Bulgaria, Hungary, Serbia, and Slovakia. The Commission found that e& and EIA received foreign subsidies from the UAE, notably in the form of an unlimited State guarantee to e&, as well as grants, loans, and other debt instruments. Under the FSR, unlimited State guarantees are considered as ‘most likely to distort the internal market’. Using these subsidies, the merged entity could have made investments distorting competition in the Single Market. To address the Commission's concerns, e& and EIA committed that e&’s articles of association do not deviate from ordinary UAE bankruptcy law, thereby removing the unlimited State guarantee. In addition, any financing from the EIA and e& to PPF was prohibited for the merged entity’s activities in the Single Market. The parties committed

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<sup>121</sup> Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market, OJ L 330, 23.12.2022, p. 1. DG Competition is responsible for enforcing the FSR rules on concentrations and to start *ex officio* procedures outside public procurement procedures, while DG Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) is responsible for enforcing the FSR in public procurement.

<sup>122</sup> The FSR closes a regulatory gap in the Single Market where subsidies granted by Member States are subject to close scrutiny under EU State aid rules, while subsidies granted by non-EU governments go largely unchecked. Under the FSR, companies have to notify financial contributions received from non-EU public authorities in the last three years, before implementing a concentration (that is to say a merger, an acquisition, or a joint venture) or the award of a contract in a public procurement procedure in the EU above given notification thresholds. The FSR allows the Commission to conduct *ex officio* reviews if information indicates the existence of a foreign subsidy distorting the Single Market.

<sup>123</sup> [https://ec.europa.eu/commission/presscorner/detail/en/mex\\_24\\_2247](https://ec.europa.eu/commission/presscorner/detail/en/mex_24_2247)

<sup>124</sup> Case FS.100011 – *Emirates Telecommunications Group / PPF Telecommunication Group*.

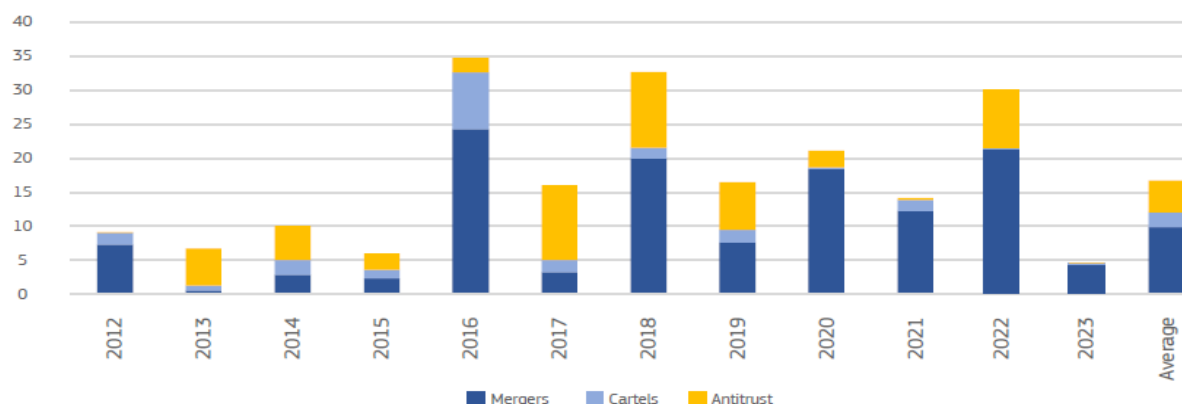
that other transactions between the companies take place on market terms and undertook to inform the Commission of future acquisitions not notifiable under the FSR.

## 5. Impact of competition policy and enforcement

### 5.1. Benefits from competition enforcement for consumers and citizens

The Commission's antitrust and mergers enforcement generate direct benefits for citizens. DG Competition measures their impact in several ways. An important measure is **direct customer savings**, that is to say direct price effects benefitting customers after the Commission intervened in mergers and antitrust cases (including cartels and unilateral conduct). Based on a method adopted by the Organization for Economic Cooperation and Development (OECD)<sup>125</sup>, DG Competition estimates that between 2012 and 2023, direct customer savings generated by the Commission's antitrust and merger enforcement amounted to EUR 12 billion to EUR 21 billion per year<sup>126</sup>.

*Customer savings (midpoints – i.e. middle of each range) 2013-2023*



Source: European Commission

The Commission is not the sole enforcer of the EU competition rules. NCAs are also heavily involved. In 2024, DG Competition started to measure and estimate the direct additional customer savings **generated by the enforcement of EU NCAs**. In the period 2020-2022, total direct customer savings from all the 13 participating NCAs can be estimated to an amount in a range of EUR 7 billion to EUR 11 billion per year. If all customer savings are combined, that is to say the savings generated by the Commission and the participating NCAs, they add up to an amount ranging from EUR 23 billion to EUR 38 billion in the period 2020-2022. These calculations provide a preliminary

<sup>125</sup> The OECD Guide for helping competition authorities assess the expected impact of their activities, OECD, 15.4.2014.

<sup>126</sup> The EUR 12 billion amount is the average of the lower bounds 2012-2023 and the EUR 21 billion is the average of the upper bounds for the same period.

insight of the magnitude of the direct savings generated by competition enforcement by the Commission and the 13 participating NCAs<sup>127</sup>.

**Indirect deterrent effects of enforcement** and their positive effects on innovation and quality are also significant. Indirect effects are more difficult to estimate than direct effects, but they are likely to be of greater significance than direct customer savings. Late 2023, the Commission commissioned a survey study on deterrent effects of competition enforcement to better understand how companies take them into consideration in their business decisions. The project continued in 2024 and will be concluded in the first half of 2025.

## *5.2. Protecting competition in a changing world*

In June 2024, DG Competition published a Staff Report entitled '*Protecting competition in a changing world - Evidence on the evolution of competition in the EU during the past 25 years*'<sup>128</sup>. A related conference and an expert workshop were also held in 2024. The Staff Report draws on contributions from the OECD, insights of a researchers' consortium, and from research done by DG Competition itself. The purpose of the report was to study how and why the conditions of competition have evolved in the EU over the past 20-25 years, and to determine how and why effective competition matters for broader economic outcomes (such as prices, productivity, competitiveness, and growth).

Research presented in the first part of the present report suggests that, on average and in a wide range of sectors in the EU over the past 25 years, (i) concentration at both industry and market level has increased, (ii) markups and profits in particular at the top of the distribution chain have increased, (iii) the gap between industry leaders and followers as regards markups, profits and productivity has increased, and (iv) business dynamism has declined, as measured by indicators such as market share volatility between leading firms, or entry and exit rates. An important driver of the developments observed over the past 25 years seems to be that, across many sectors, large first-mover firms can reap most of the benefits ('winner takes most' dynamics), largely due to long-term structural economic shifts: (i) rise of the share of investments in proprietary IT solutions and data or other intangibles (for example R & D, patents, and brands), (ii) globalisation, and (iii) rising mergers and acquisitions activities, though the latter possibly to a more limited extent. Regulatory barriers to entry and exit may also have contributed to these trends.

While the trends and the mix of contributing factors will vary by sector, on average, the intensity of competition seems to be weaker and the market power of firms at the top of the markup and profit distribution seems to be more pronounced than in the past.

Additional research presented in the second part of the report confirms and supplements prior research that effective (or weak) competition can have significant positive (or negative) effects, not

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<sup>127</sup> The estimated range does not cover all EU NCAs, so the amount must be regarded as a rough estimate. In addition, it is worth noting that this initial exercise covered three years during which enforcement was likely affected by the Covid pandemic.

<sup>128</sup> See: <https://op.europa.eu/en/publication-detail/-/publication/c03374f1-3833-11ef-b441-01aa75ed71a1>



only on prices and thus on the purchasing power of consumers, but also on the productivity and competitiveness of EU firms and thus on overall economic growth<sup>129</sup>. These results are borne out by a study analysing the relationship between price and market concentration in six sectors where prices vary significantly between Member States, by a survey of EU-based exporting firms on the relevance of effective domestic competition within the EU Single Market and by a study on the macroeconomic effects of effective competition.

### *5.3. Impact of State aid policy on the Single Market*

To protect the fairness and proper functioning of the Single Market, the TFEU prohibits State aid that distorts or threatens to distort competition. State aid control ensures that competition between companies takes place on the merits and is not based on the level of government support received by each firm. In this manner, subsidy races favouring companies supported by Member States with the ‘deepest pockets’ can be avoided. However, in certain situations government intervention may be necessary to safeguard the functioning and fairness of the economy. For this reason, the TFEU provides the possibility for Member States to grant State aid to support certain, clearly defined policy objectives. State aid can be granted provided that it is necessary, proportionate, and appropriate for achieving the identified objectives and without unduly distorting competition in the Single Market. The outcome of effective State aid control is State support that is better targeted, legitimate, effective and avoids overcompensation. In this way, State aid control helps maximising the utility of limited public resources.

To monitor the impact of State aid, the Commission regularly collects data measuring how the Member States implement their State aid measures. This is done in several ways, most importantly:

(i) **The State aid Scoreboard**, published every year, is based on data compiled by the Member States<sup>130</sup> on actual expenditure (that is to say the disbursed amounts) under each approved aid measure, including the aid elements, that is to say the advantage granted by the aid<sup>131</sup>. The most recent State Aid Scoreboard data covers 2023.

(ii) **Periodical surveys** collecting information about public aid granted and disbursed by the Member States during the recent crises (the COVID-19 pandemic and Russia’s war of aggression against Ukraine). These surveys were carried out on an exceptional basis in order to capture the impact of the very large aid amounts approved in response to Russia’s invasion of Ukraine and to support economic sectors key to the transition to a net-zero economy. To do so, the Commission collected information on State aid that was actually granted in accordance with the approved crisis measures, that is to say funds to which companies had received legal entitlement during the period covered by each survey. The most recent survey covers support given until the end of June 2024.

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<sup>129</sup> For a summary of the outcome, see the accompanying Staff Working Document, section 7.3.

<sup>130</sup> The data contained in the State aid Scoreboard is based on annual reporting made by Member States in accordance with Article 6(1) of Commission Regulation (EC) 794/2004. The Member States remain responsible for the data provided.

<sup>131</sup> The aid element depends on the form of the aid. For grants, the advantage passed on to the beneficiary normally corresponds to the budgetary expenditure. For other aid instruments, the advantage to the beneficiary and the cost to government may differ. In the case of guarantees, for example, the beneficiary avoids the risk associated with the guarantee, since it is carried by the State. Such risk-carrying by the State should normally be remunerated by an appropriate premium. Where the State forgoes all or part of such a premium, this represents the aid element.

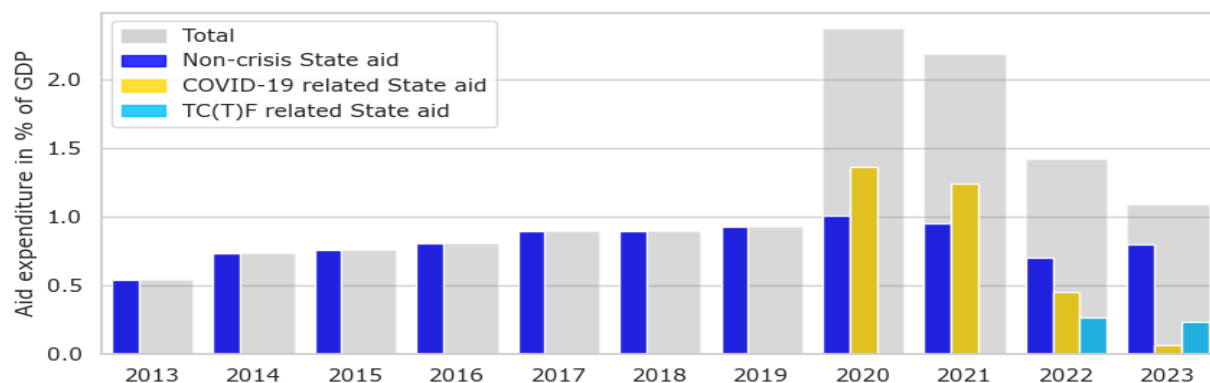
### Disbursement of crisis and non-crisis State aid in 2023

The figures discussed below exclusively refer to disbursements under support measures qualifying as State aid. Member States may have granted significant support to their economies and households through other means which do not qualify as State aid.

According to the most recent annual reports submitted by Member States (covering 2023), they disbursed EUR 186.77 billion (corresponding to 1.09% of EU GDP) on support for non-crisis and crisis measures.

**Total expenditure** was significantly reduced compared to previous years. In nominal terms, the 2023 expenditure almost halved when compared to the years 2020 and 2021 (that is to say the peak of the COVID-19 crisis). When adjusted for inflation (compared to the annual rate of inflation in 2022) total State aid expenditure decreased by approximately 23%.

*Figure 1: Total State aid expenditure, aid elements in percentage of GDP, breakdown between COVID-19 related State aid, TC(T)F<sup>132</sup> related State aid and non-crisis State aid measures*



For the following reasons, the reduced expenditure observed during 2022 and 2023 is consistent with a significant reduction of **aid related to crisis measures**<sup>133</sup>:

(i) Expenditure on COVID-19 measures amounted to EUR 10.55 billion in 2023, which corresponds to around 0.06% of EU GDP and less than 6% of total State aid expenditure. Compared to the expenditure on COVID-19 measures in 2022 - which amounted to EUR 77.70 billion in 2023 prices - it represents a reduction of 86%. This decrease was to be expected in light of the phase-out of the COVID-19 Temporary Framework completed at the end of December 2023.

(ii) The expenditures reported for crisis measures were predominantly based on the TC(T)F, including its sections to support the transition to a net-zero economy. State aid measures that were approved under the TCTF or were approved based on TCTF principles, decreased to EUR 39.45 billion in 2023. This amounts approximately 0.23% of total EU GDP and 21% of the total State aid

<sup>132</sup> TC(T)F refers to Temporary Crisis (and Transition) Framework.

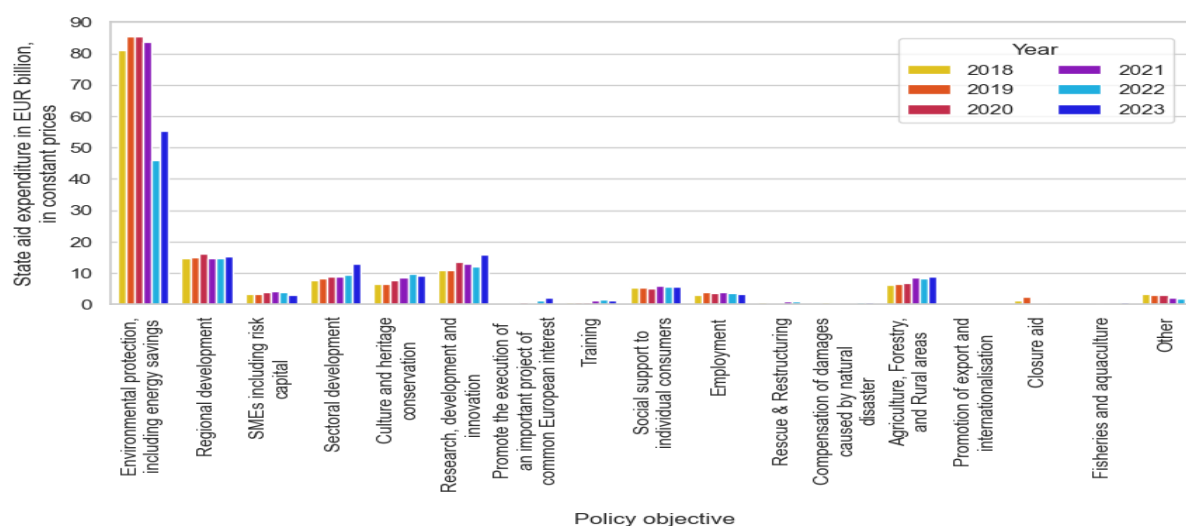
<sup>133</sup> While in 2022, COVID-related aid represented around 0.45 % of the EU GDP, it decreased to 0.06% of EU GDP in 2023. Also aid expenditure in response to the disturbance of the economy provoked by Russia's war of aggression against Ukraine decreased from 0.27% of EU GDP in 2022 to 0.23% of the EU GDP in 2023.

expenditure in 2023. Compared to the 2022 expenditure of EUR 45.59 billion in constant prices, the total aid expenditure in 2023 decreased by 13%.

In 2023, State aid for **non-crisis objectives** increased to around EUR 136.78 billion, a 14% increase compared to the 2022 expenditure of EUR 119.98 billion (in constant prices). In nominal terms, the total amount disbursed for non-crisis aid increased in 19 Member States, in comparison to 2022<sup>134</sup>. The increase in non-crisis State aid appears to have been mainly driven by increased disbursement of aid for environmental protection (including energy savings). This type of aid increased from around EUR 45.99 billion in 2022 to EUR 55.32 billion in 2023. Similarly, the State aid expenditure for research, development and innovation increased from EUR 11.99 billion in 2022 to EUR 15.95 billion in 2023. Non-crisis State aid disbursed for sectoral development increased from EUR 9.37 billion in 2022 to EUR 13.02 billion in 2023. Finally, State aid dedicated to IPCEIs almost doubled, from EUR 1.25 billion in 2022 to EUR 2.22 billion in 2023.

Despite the increase, non-crisis aid amount for 2023 remains well below the expenditure for non-crisis measures calculated at the peak of the COVID-19 pandemic. In constant prices, this expenditure amounted to EUR 157.46 billion in 2020 and EUR 157.23 billion in 2021. Moreover, 2023 non-crisis aid expenditure remains below pre-crisis expenditure, which amounted to EUR 153.34 billion in 2019 and EUR 145.43 billion in 2018 in constant prices.

*Figure 2: State Aid expenditure excluding crisis aid between 2018 and 2023, aid elements in EUR billion in constant prices, breakdown by objective of the aid*

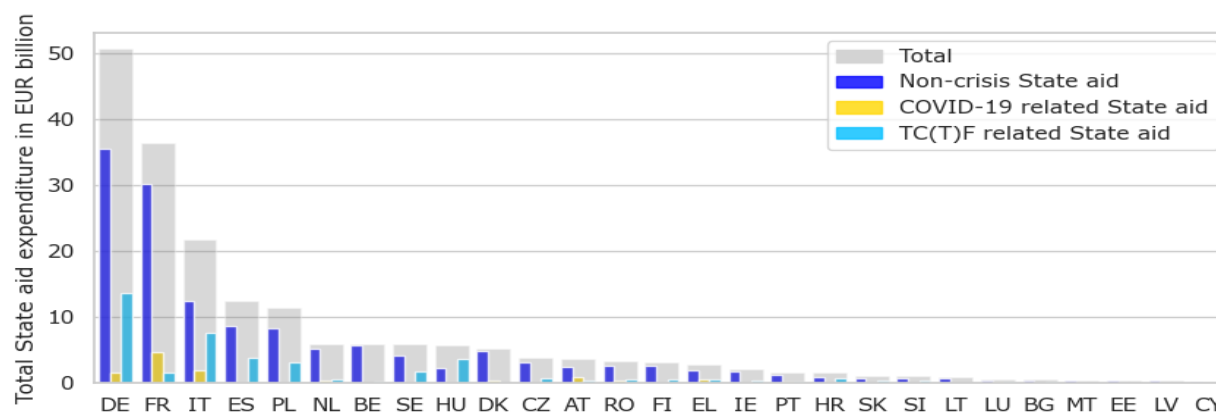


<sup>134</sup> Malta (+0.91 percentage points), Croatia (+0.47 p.p.), Greece (+0.33 p.p.), Poland (+0.32 p.p.), Lithuania (+0.27 p.p.), Slovenia (+0.22 p.p.), Luxembourg (+0.21 p.p.), Germany (+0.19 p.p.), Latvia (+0.16 p.p.), Italy (+0.13 p.p.), Denmark (+0.12 p.p.), Spain, Slovakia and Austria (+0.09 p.p.), Finland (+0.08 p.p.), Ireland (+0.07 p.p.), France and Cyprus (+0.04 p.p.), and Estonia (+0.02 p.p.). While it remained stable in the Netherlands, in seven other Member States the levels of non-crisis aid reduced: Portugal (-0.44 p.p.), Czechia (0.23 p.p.) and Bulgaria (-0.11 p.p.), Sweden (-0.09 p.p.), Belgium (-0.07 p.p.), Bulgaria (-0.04 p.p.) and Romania (-0.02 p.p.).

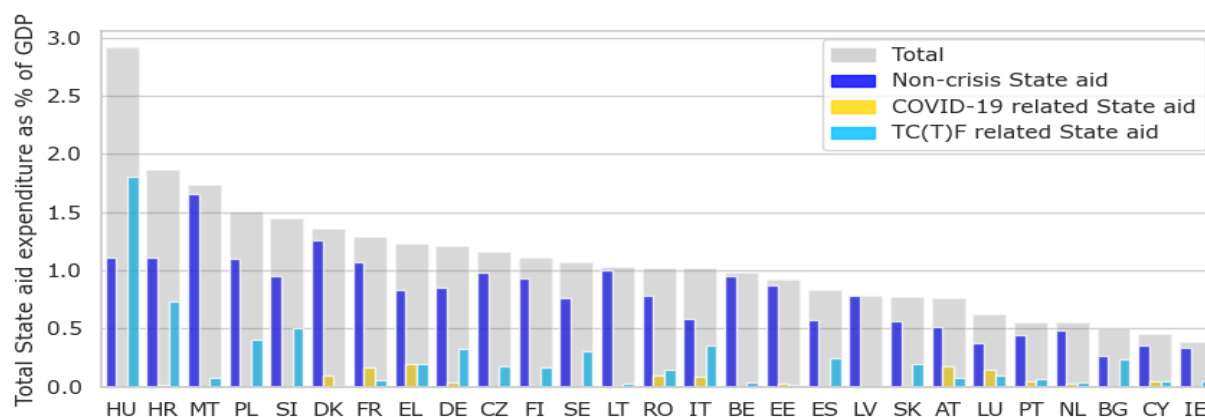
Looking at the **distribution of crisis aid and non-crisis State aid expenditure** among the Member States as a share of national GDP, there is a significant dispersion of spending<sup>135</sup>. In conclusion, while there are significant differences between the nominal aid amounts disbursed by Member States, the picture becomes more nuanced when looking at relative State aid expenditure compared to GDP.

Finally, the figures indicated above exclusively refer to disbursements under support measures qualifying as State aid. Member States may have granted significant support to their economies and households through other non-State aid means.

*Figure 3: Total State aid expenditure by Member State in 2023, aid elements in EUR billion, breakdown between non-crisis State aid measures, COVID-19 related State aid, and TC(T)F related State aid.*



*Figure 4: Total State aid expenditure by Member State, as % of 2023 national GDP, breakdown between non-crisis State aid measures, COVID-19 related State aid, and TC(T)F related State aid.*



<sup>135</sup> Hungary spent the most in relation to its 2023 GDP (around 2.91%). The second largest spender relative to GDP was Croatia (around 1.86%). The Member States with the smallest expenditure in 2023 - Ireland, Cyprus, and Bulgaria - spent 0.39% to 0.51% of their respective national GDPs. More information can be found on the State aid Scoreboard published on the Commission website: [https://competition-policy.ec.europa.eu/state-aid/scoreboard\\_en](https://competition-policy.ec.europa.eu/state-aid/scoreboard_en)

### *State aid to boost industrial innovation and technological leadership*

Although a state may play an important role when trying to boost competitiveness in an economy, many types of support do not entail State aid in the sense of Article 107(1) TFEU. Still, the State aid rules offer multiple possibilities for the Member States to support a well-functioning and fair economy, as well to address market failures. The TCTF ‘transition sections’ are intended to boost the green and digital transitions. Until 31 December 2025, Member States may grant aid to foster the transition to a net-zero economy<sup>136</sup>.

In 2023, the total amount of industrial aid<sup>137</sup> - including support based on State aid guidelines - amounted to EUR 126.97 billion, corresponding to approximately 0.74% of EU GDP. Out of the total amount of industrial aid, environmental protection aid (including energy savings) was the main policy objective during the last ten years. It amounted to EUR 55.32 billion in 2023, accounting for 44% of total industrial aid, that is to say approximately 0.32% of total EU GDP. State aid disbursed for the benefit of IPCEIs amounted to EUR 2.22 billion in 2023. Investment aid disbursed in accordance with the Regional Aid Guidelines to support the production of batteries, battery components, solar panels, and electric vehicles amounted to EUR 138 million in 2023.

Beyond 2023, according to the most recent data collected through a survey of aid granted under the TCTF until the end of June 2024<sup>138</sup>, 11 Member States<sup>139</sup> have started implementing measures under the ‘transition sections’ of the framework: around EUR 2.38 billion were granted for measures approved under Sections 2.5, 2.6. and 2.8 TCTF.<sup>140</sup>

When focusing exclusively on aid granted to foster the transition to a net-zero economy by each Member State, calculated as a percentage of national GDP, Portugal was the largest aid provider, followed by Slovakia.

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<sup>136</sup> Aid may be granted to (i) accelerate the roll-out of renewable energy, storage and renewable heat relevant for REPowerEU (measures under Section 2.5) and (ii) decarbonise industrial production processes (measures under Section 2.6). Member States may also grant aid to accelerate investments in key sectors for the transition towards a net-zero economy, enabling investment support for the manufacturing of strategic equipment, namely batteries, solar panels, wind turbines, heat-pumps, electrolyzers and carbon capture usage and storage as well as for production of key components and for production and recycling of related critical raw materials (measures under Section 2.8).

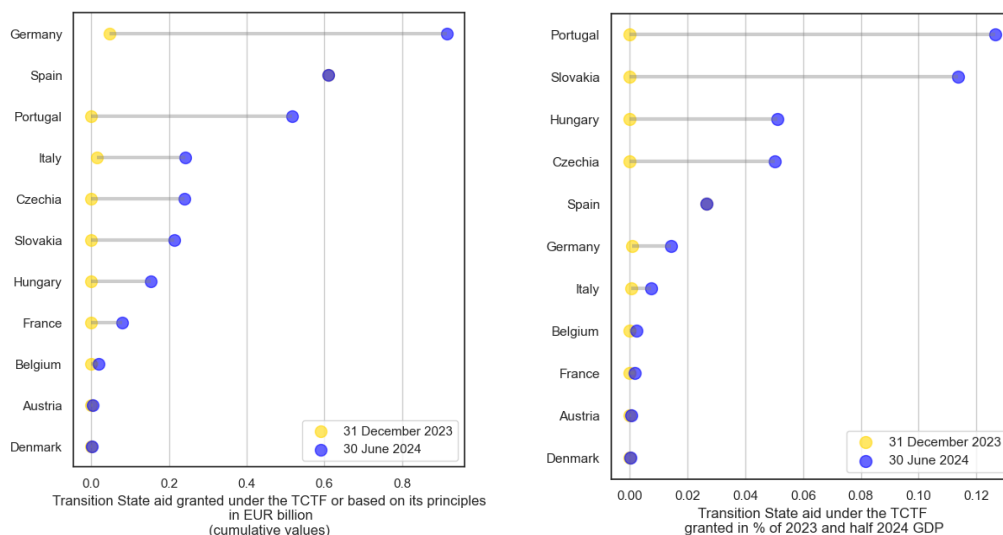
<sup>137</sup> Industrial aid refers to State aid expenditure, in aid element, in 2023 as reported in annual reports, excluding State aid with the following policy objectives: ‘Culture’, ‘Heritage conservation’, and ‘Compensation of damages caused by natural disasters’. The analysis also excludes crisis aid, i.e., State aid expenditure provided in the context of the COVID-19 crisis and State aid expenditure in response to Russia’ war of aggression against Ukraine.

<sup>138</sup> A more complete presentation of the aid granted from March 2022 until June 2024 under the Temporary Crisis (and Transition) Framework is available in the Competition State aid brief: [Competition policy briefs - European Commission](#)

<sup>139</sup> Portugal, Slovakia, Hungary, Croatia, Spain, Germany, Italy, Belgium, France, Austria, and Denmark.

<sup>140</sup> Out of those EUR 2.38 billion, EUR 150 million have been granted under section 2.5 TCTF – Aid for accelerating the rollout of renewable energy, storage, and renewable heat relevant for REPowerEU; EUR 240 million under section 2.6 – Aid for the decarbonisation of industrial production processes through electrification and/or the use of renewable and electricity-based hydrogen fulfilling certain conditions and for energy efficiency measures and EUR 1.99 billion under section 2.8 – Aid for accelerated investments in sectors strategic for the transition towards a net-zero economy.

Figure 5: Transition State aid granted in 2023 and 2024 (until 30 June 2024) under TCTF measures (in absolute values and as percentage of national GDP)



## 6. Communication and advocacy support competition policy

In 2024, the Commission continued with its competition policy advocacy and outreach activities at multiple levels to support the effectiveness of EU competition policy, most prominently with the Executive Vice-President responsible for Competition participating in events and press conferences. Supported by the Commission's Representations, senior managers at DG Competition also participated in outreach activities in the Member States. These activities complement DG Competition's external communication initiatives such as press releases, policy briefs, newsletters, and social media.

In 2024, the Commission continued 'The Markets for People' itinerant debate series. Entitled '*This is why we need competition policy*', the fifth and last debate was held in Aarhus, Denmark in May 2024. In addition, DG Competition continued its 'Let's Talk Competition' series of webcast debates. In the webcasts, experts debated key policy and enforcement developments in competition policy<sup>141</sup>.

Important communication efforts were also undertaken at the occasion of the publication of the DG Competition staff report '*Protecting competition in a changing world. Evidence on the evolution of competition in the EU during the past 25 years*', with a launch conference on 27 June 2024<sup>142</sup> and an expert workshop on 15 October 2024.<sup>143</sup>

<sup>141</sup> See: [https://competition-policy.ec.europa.eu/about/reaching-out/lets-talk-competition\\_en](https://competition-policy.ec.europa.eu/about/reaching-out/lets-talk-competition_en).

<sup>142</sup> See: [https://competition-policy.ec.europa.eu/about/reaching-out/protecting-competition-changing-world\\_en](https://competition-policy.ec.europa.eu/about/reaching-out/protecting-competition-changing-world_en)

<sup>143</sup> See: [https://competition-policy.ec.europa.eu/about/reaching-out/protecting-competition-changing-world-public-workshop\\_en](https://competition-policy.ec.europa.eu/about/reaching-out/protecting-competition-changing-world-public-workshop_en).

## 7. Relations with other EU institutions

The European Parliament, the Council, the European Economic and Social Committee and the European Committee of the Regions are key partners to the Commission in the continuing dialogues on competition policy. In the European Parliament, Executive Vice-President Vestager participated in 2024 in several exchanges of views or structured dialogues, including with the Economic and Monetary Affairs Committee, the Internal Market and Consumer Protection Committee, the Subcommittee on Tax Matters and the Budgetary Control Committee. In addition, Executive Vice-President Vestager participated in plenary debates on competition policy.

In the Council, Executive Vice-President Vestager participated in 2024 in exchanges of views and debates on competition policy matters as well as on competitiveness, the green transition and State aid tools in the context of Russia's war of aggression against Ukraine.

The Commission also engaged directly with other EU bodies. For example, DG Competition staff were present at meetings convened by the rapporteur responsible for drafting the European Economic and Social Committee's Opinion on the Commission's Report on Competition policy 2023, adopted in October 2024<sup>144</sup>. At such meetings of the drafting group and the section responsible for competition policy (Single Market, Production and Consumption), DG Competition provided advice and responded to factual questions.

## 8. Competition policy in a European and global context

### *8.1. Promoting a European competition culture through the European Competition Network*

In the EU, NCAs enforce competition rules within their national jurisdictions while the Commission focuses on cases with a Single Market dimension. Multilateral cooperation between NCAs and the Commission – especially in antitrust – is done through the European Competition Network (ECN)<sup>145</sup>. The objective is ensuring that EU antitrust rules are applied in an effective and consistent manner across the EU, in particular in investigations into behaviours that restrict competition and are liable to affect trade between EU Member States. Joint enforcement of the antitrust rules through the ECN framework reinforces the relevance and credibility of competition policy across the EU.

In 2024, the Commission continued to safeguard effective and consistent application of Articles 101 and 102 TFEU across the EU. First, NCAs inform the Commission about any new investigation at the stage of the first formal investigative measure. Second, NCAs consult the Commission before adopting certain types of decisions. In 2024, 191 new investigations were launched within the network and 66 envisaged decisions were submitted to the Commission by NCAs. The ECN members meet frequently to discuss cases, policy issues and matters of strategic importance. In 2024,

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<sup>144</sup> European Economic and Social Committee - Opinion on the Commission's Report on Competition policy 2023, 21.10.2024, (COM(2024) 115 final), <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/report-competition-policy-2023>.

<sup>145</sup> Commission Notice on cooperation within the Network of Competition Authorities, OJ C 101, 27.4.2004, p. 43 and OJ C 374, 13.10.2016, p. 1.



37 ECN meetings took place. The Working group for digital investigations and AI promotes the pooling of data scientists within the ECN. The pooled resources are used to work together on projects of common interest for the NCAs, for example detecting bid rigging by analysing large data sets.

## *8.2. Helping Member States to reform through the Technical Support Instrument*

The Technical Support Instrument (TSI) is the Commission's instrument for assisting Member States in designing and implementing reforms<sup>146</sup>. The support does not require co-financing from Member States. The support can take the form of, for example, strategic and legal advice, studies, training and expert visits on the ground. It can cover any phase in the reform process. The TSI is managed by the Commission's Reform and Investment Task Force (SG REFORM). Each year, the TSI identifies flagship technical support projects that address common needs across Member States and align with key EU priorities.

For the **2024 cycle**, DG COMP supported funding for the following projects:

**Fighting Bid-Rigging in Public Procurement - Improving Compliance and Competition for Public Contracts**<sup>147</sup>: Designed and organised by the OECD, this project aims at helping Austria, Bulgaria, Croatia, Cyprus, Greece, and Romania to improve bid-rigging prevention and detection through a series of workshops. In addition, the project promotes capacity building, good practices and cooperation between competition authorities and contracting authorities and other public bodies.

**Competition Market Study – Digital Sector**<sup>148</sup>: The aim of this project is to identify possible competition issues in digital markets in Poland, Latvia and Lithuania and the suitability of current national and EU legislative frameworks to effectively address such issues.

## *8.3. International relations*

### *Multilateral relations*

In 2024, the Commission continued to engage in international competition-related fora such as the OECD Competition Committee, the International Competition Network (ICN), and the United Nations Conference on Trade and Development (UNCTAD).

As one of the co-chairs of the ICN Merger Working Group, the Commission contributed to the work on recommended practices for merger analysis, notably by leading the work revising the chapters on unilateral and coordinated effects in horizontal mergers. In addition, the Commission co-organised the ICN Merger Workshop, which took place in Taiwan in November 2024.

The Commission participated in several OECD Roundtable discussions and contributed to the drafting of the revised OECD Merger Recommendation, which is a guidance document covering

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<sup>146</sup>[https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/technical-support-instrument/technical-support-instrument-tsi\\_en](https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/technical-support-instrument/technical-support-instrument-tsi_en).

<sup>147</sup><https://www.oecd.org/en/about/projects/fighting-bid-rigging-in-public-procurement-in-austria-bulgaria-croatia-cyprus-greece-and-romania.html>

<sup>148</sup> <https://www.oecd.org/en/about/projects/oecd-competition-market-study-digital-sector-in-poland-latvia-and-lithuania.html>



procedural aspects of merger control. Finally, the Commission participated in the work on a revised version of an OECD document covering substantive aspects of merger control.

### *Bilateral relations*

In 2024, the Commission continued negotiations for concluding Fair Trade Agreements with India, Indonesia, Philippines, Thailand and ESA5<sup>149</sup>.

In April 2024, the Commission and the U.S. competition authorities held the fourth high-level meeting of the Joint Technology Competition Policy Dialogue<sup>150</sup>, to continue cooperation in ensuring and promoting fair competition in the digital economy. The dialogue focused on the evolving business strategies of Big Tech companies, including recent investments and partnerships between major cloud providers and AI providers, as well as their implications for competition enforcement.

In 2024, the Commission continued its work on bilateral cooperation with the United Kingdom as foreseen in the EU/UK Trade Cooperation Agreement<sup>151</sup> as well as in the Withdrawal Agreement<sup>152</sup>. In October, the Commission and the UK finalised technical discussions on a Competition Cooperation Agreement<sup>153</sup>. The future agreement would be a 'supplementing agreement' to the EU-UK TCA, which foresees the possibility to enter into a separate agreement on competition cooperation. The agreement would not only allow the Commission, but also the NCAs enforcing EU competition law, to cooperate with the UK competition authority.

In 2024, the Commission also started negotiations with Switzerland on eight issues relevant to the bilateral relations between the EU and Switzerland. One of the issues covered is State aid.

The Commission continued in 2024 its cooperation on competition policy with the Korea Fair Trade Commission and the Japan Fair Trade Commission. The Commission also continued negotiations with Canada to ensure that the provisions on data protection in the EU-Canada Competition Cooperation Agreement align with the standards established by the Opinion of the Court of Justice on the 2014 EU Canada Passenger Name Record Agreement<sup>154</sup>. Moreover, the Commission engaged in 2024 with several African national and regional authorities to further cooperation in the competition field<sup>155</sup>.

As regards EU enlargement policy, the Commission's main objective in the competition field is to assist the candidate countries<sup>156</sup> and potential candidates<sup>157</sup>, in creating, maintaining and developing

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<sup>149</sup> Five Eastern and Southern Countries: Comoros, Madagascar, Mauritius, Seychelles and Zimbabwe.

<sup>150</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_1952](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_1952)

<sup>151</sup> Trade and cooperation agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, OJ L 444, 31.12.2020, p. 14.

<sup>152</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ C 384I, 12.11.2019, p. 1–177.

<sup>153</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_5468](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_5468)

<sup>154</sup> Opinion of the Court of Justice (Grand Chamber) of 26.7.2017, Opinion 1/15, *Draft agreement between Canada and the EU — Transfer of Passenger Name Record data from the EU to Canada*, EU:C:2016:656.

<sup>155</sup> See: <https://africa.competitioncooperation.eu/>

<sup>156</sup> Countries granted candidate country status by the European Council on the basis of a recommendation by the European Commission: Albania, Bosnia and Herzegovina, Georgia, Moldova, Montenegro, North Macedonia, Serbia, Türkiye and Ukraine.

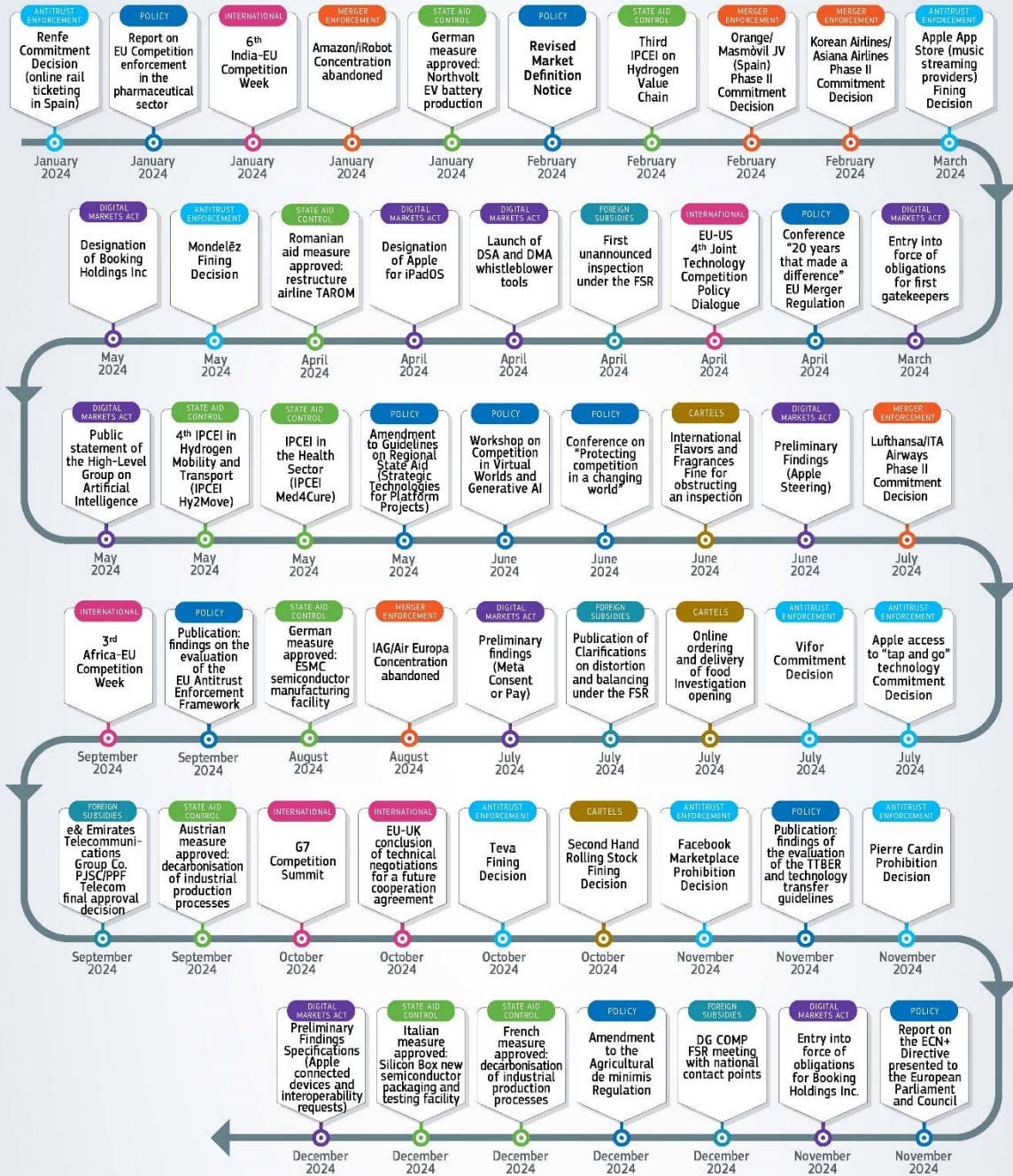
legislative frameworks and assist well-functioning and operationally independent competition and State aid authorities, and to help such authorities to build up solid enforcement records. The Commission is also working on the implementation of support facilities for Ukraine and Moldova to assist the legal, administrative but also economic integration of these countries with the EU Single Market.

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<sup>157</sup> Potential candidate for EU membership: Kosovo.

# 2024 AT A GLANCE

European Commission | COMPETITION



<b>ANTITRUST ENFORCEMENT</b> <b>8</b> Initiation of proceedings <b>1</b> Preliminary Assessment	<b>ANTITRUST ENFORCEMENT</b> <b>1</b> Letter of Formal Notice <b>6</b> SOs	<b>ANTITRUST ENFORCEMENT</b> <b>10</b> final decisions <b>€3.5 Billion</b> in fines	<b>MERGER ENFORCEMENT</b> <b>400</b> Decisions <b>2</b> Concentrations abandoned	<b>MERGER ENFORCEMENT</b> <b>3</b> Phase 2 Commitment Decisions <b>5</b> Phase 1 Commitment Decisions	<b>STATE AID CONTROL</b> <b>31</b> TCTF decisions (transition) <b>96</b> TCTF decisions (crisis measures)	<b>STATE AID CONTROL</b> <b>3</b> IPCEIs <b>613</b> Decisions in total
<b>DIGITAL MARKETS ACT</b> <b>4</b> Preliminary Findings <b>8</b> Opening decisions	<b>DIGITAL MARKETS ACT</b> <b>2</b> Designation decisions <b>1</b> Opening of market investigation	<b>DIGITAL MARKETS ACT</b> <b>6</b> Non-designation decisions <b>5</b> Retention orders	<b>FOREIGN SUBSIDIES</b> <b>1</b> First unannounced inspection <b>1</b> First final approval decision	<b>ADVOCACY</b> <b>Markets for People</b> itinerant debate series <b>Let's Talk Competition</b> webcasts	<b>ADVOCACY</b> <b>Conferences on Protecting Competition in a changing World</b> (June and October 2024)	<b>ADVOCACY</b> <b>Workshop - Competition in Virtual Worlds and Generative AI</b>