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UK COMPETITION DISPUTES 2025 YEAR IN REVIEW

2025 was another eventful year for competition enforcement across Europe and the UK, with regulators pressing harder on digital platforms, refining approaches in traditional sectors, and signaling pro-growth priorities alongside robust consumer protection.

This newsletter provides an overview of the year's major developments: the European Commission's ("Commission") first non-compliance decisions under the Digital Markets Act; the UK Competition and Markets Authority's ("CMA") inaugural Strategic Market Status ("SMS") designations under the Digital Markets, Competition and Consumers Act 2024 ("DMCCA"); and landmark judgments and regulatory decisions across sectors ranging from automotive and utilities markets through to financial services and the market for the supply of labour. These developments must be read within the context of the EU and UK's evolving policy framework, which provide an insight into the regulators' enforcement priorities going into 2026.

Strategic Directions for the European Commission and the CMA

In the EU, the September 2024 report on the Future of European Competitiveness by Mario Draghi continues to exercise significant influence on the Commission's policies. The report sets out broad guidelines for competition policy at EU level and proposes a substantial reform of competition law. Among its recommendations, it calls for a systematic assessment of the impact of competition enforcement on incentives to innovate.

Echoing this approach, Commission Vice President Teresa Ribera, in an April 2025 speech, described competition policy as an enabler of change and placed particular emphasis on digital markets, underlining the need to ensure that big tech "plays fair" and stressed the ultimate benefits of competition enforcement for consumers. She expressed a preference for constructive dialogue with businesses, with sanctions remaining a last resort.

As examples of positive outcomes, Ribera cited the amicable closure of the investigation into Apple's user choice obligations – after Apple introduced changes allowing EU consumers to choose default browsers or messaging settings more freely – and Booking.com's Digital Markets Act ("DMA") obligations, under which the platform can no longer prevent hotels from selling cheaper rooms on their own websites.

Ms. Ribera also noted the Commission's intention to tackle no-poach agreements. That intention was fulfilled a few months later, in June 2025, when the Commission imposed a €329 million fine on Delivery Hero and Glovo for engaging in a cartel that included an agreement not to poach each other's employees.

In the UK, the CMA's remit was recalibrated to focus on an overriding objective: promoting economic growth. In January 2025, the UK government replaced Marcus Bokkerink as CMA Chair with Doug Gurr, former UK head of Amazon, and subsequently issued a new pro-growth strategic steer in May 2025. The steer directed the CMA to focus on "pro-investment interventions." Sarah Cardell, the CMA's Chief Executive, responded by setting out a new framework built around four key principles: pace, proportionality, predictability, and process.

In October, the UK and the EU formally concluded technical negotiations on a new UK-EU Competition Cooperation Agreement. This agreement establishes a framework for closer cooperation on competition matters between the CMA and EU competition authorities. It will be particularly relevant in cases involving cross-border implications, as it provides for information-sharing and coordination between parallel investigations, and sets out principles to avoid conflicts between jurisdictions. The agreement will enter into force once both parties have completed their ratification procedures.

Digital Markets regulation and enforcement

EU - Digital Markets Act updates

In April 2025, the Commission issued its first non-compliance decisions under the DMA, fining Apple and Meta €500 million and €200 million respectively.

In respect of Apple, the Commission found that Apple had infringed the DMA's anti-steering rules by preventing app developers from freely directing their customers towards alternative offers outside of Apple's App Store. In addition to the fine, the Commission ordered Apple to remove the restrictions and refrain from implementing such measures in future.

In respect of Meta, the Commission concluded that Meta's 'pay or consent' model is unlawful under the DMA. The 'pay or consent' model offered users a choice between either free versions of its Facebook and Instagram services with personalised ads or paid-for versions without targeted ads. The Commission concluded that Meta failed to provide users with a choice of a service that was less personalised but otherwise equivalent. Notably, the €200 million fine against Meta only covers the period between March 2024, when the DMA obligations became legally binding, and November 2024, which is when Meta offered users a new version of the free personalised ads model. The Commission is separately reviewing that subsequent model, which Meta claims uses less personal data.

In November 2025, the Commission launched an investigation on cloud computing services to assess whether Amazon and Microsoft should be designated as gatekeepers for their cloud computing services, Amazon Web Services and Microsoft Azure, under the DMA. The Commission is also investigating whether the current obligations under the DMA are effective in addressing practices that limit competitiveness and fairness in the cloud sector.

Also in November, the Commission launched formal proceedings to assess whether Alphabet – Google's US parent company – applies fair, reasonable and non-discriminatory conditions of access to publishers' websites on Google Search, as required by the DMA. The Commission noted that, through its monitoring work, it has seen indications that Google is demoting news media and other publishers' websites and content in Google search results when those websites include content from third-party commercial partners.

UK - Digital Markets, Competition and Consumers Act updates

The UK's digital markets regime under the DMCCA entered into force on 1 January 2025 (see our recap on the digital markets powers established by the DMCCA here).

On 14 January 2025, the CMA launched its inaugural DMCCA investigation, which focused on Google's general search services. The CMA published its provisional findings in June, concluding that Google has SMS in general search services. To accompany that provisional decision, the CMA also published its roadmap for possible interventions, which sets out how the CMA might prioritise its work on potential conduct requirements and pro-competitive interventions. In October, following completion of its consultation on its provisional decision, the CMA published its final decision, designating Google as having SMS in general search services.

On 23 January 2025, hot on the heels of its first DMCCA investigation, the CMA announced investigations into whether Apple and Google have SMS in respect of their mobile platforms. In July, the CMA published its provisional decisions that both Apple and Google hold SMS in respect of each of their mobile platforms, alongside roadmaps of possible measures to improve competition in this area. The CMA subsequently consulted on its provisional decisions, before publishing final decisions in October, designating Apple and Google as having SMS in respect of their respective mobile platforms.

CJEU judgment in Android Auto

In February 2025, the Court of Justice of the European Union ("CJEU") delivered its judgment in the Google Android Auto case, providing important clarification on the obligations of dominant platform operators to grant access to their platforms[1].

The Android Auto platform allows Android OS users to access their mobile apps on their car's dashboard. In 2018, Italian energy supplier ENEL requested Google to ensure that JuicePass (its electric vehicle charging station location app) could appear on the Android Auto interface. Following Google's refusal to grant this request, the Italian Competition Authority investigated and fined Google €102 million. Google appealed the decision twice; the second Italian appeals court referred questions on the interpretation of EU law on refusal to supply to the CJEU.

The established EU authority Bronner provides that a refusal to deal amounts to an abuse if a particular good or service is indispensable to the downstream market, likely to eliminate all effective competition, and cannot be justified.

The CJEU held that the criteria set out in Bronner do not apply where the platform in question was not developed by the dominant undertaking solely for its own needs. There was therefore no 'indispensability' requirement where the infrastructure or platform was designed to be used by third parties.

[1] Case C-233/23, *Alphabet and Others v Autorità Garante della Concorrenza e del Mercato*, Judgment of the Court (Grand Chamber) of 25 February 2025, OJ C 2025/2046, 14.04.2025

Commission fines Google for abusive practices in online advertising technology

In September 2025, the Commission fined Google €2.95 billion over abusive practices in the online display advertising industry ("AdTech").

The investigation found Google dominant in: (1) the market for publisher ad servers with its service DoubleClick for Publishers ("DFP"); and (2) the market for programmatic ad buying tools for the open web with its services "Google Ads" and "DV360".

The Commission found that, from at least 2014 onward, Google has abused its dominant position "*on both sides of the Adtech supply chain*". In particular, Google has violated competition law by: (1) favouring its own ad exchange AdX in the ad selection process run by its dominant publisher ad server DFP; and (2) favouring AdX in the way its dominant ad buying tools Google Ads and DV360 place bids on ad exchanges.

The Commission concluded that the conducts were aimed at intentionally giving AdX a competitive advantage and may have foreclosed competing ad exchanges. The self-preferencing practices reinforced AdX's central role in the AdTech supply chain as well as Google's ability to charge a higher fee for its service.

The €2.95 billion penalty constitutes the EU's second-highest sanction on Google and was increased to reflect the fact that it was the third time Google had contravened "*the rules of the game"*.

The Commission ordered Google to halt its self-preferencing practices and *"implement measures to cease its inherent conflicts of interest*" along the AdTech supply chain. Whilst the Commission will now review Google's proposed remedies, it has previously indicated its preliminary view that only structural remedies will suffice.

EC accepts commitment decision in respect of Microsoft Teams

In September 2025, the Commission accepted commitments from Microsoft further to its investigation into whether Microsoft had abused a dominant position by tying its workplace collaboration application Teams to its online applications for Word, Excel, PowerPoint, and Outlook.

The Commission launched formal proceedings against Microsoft in July 2023, following which Microsoft announced a number of changes, including unbundling Teams from its suites and selling it separately, and creating new mechanisms to allow third-party software to host Microsoft Office web applications. Nevertheless, the Commission published a Statement of Objections in June 2024.

Microsoft subsequently offered commitments to the Commission, including to make available versions of the suites without Teams, allowing customers to switch between suites with and without Teams at any time, and allowing competitors to integrate Microsoft services in their own application.

The Commission accepted these commitments following the implementation of certain modifications, including a further reduction of the price proposed for the suites without Teams by a further 50%. The commitments will be binding for seven years, with certain commitments in respect of data portability and interoperability – between Microsoft products and third-party competitors of Teams – being binding for ten years.

Foundem v Google

Following the September 2024 CJEU decision in Case C-48/22 *Google Shopping*, which dismissed Google's appeal and upheld findings that Google had abused its dominant position by favouring its own comparison shopping service ("CSS") over rival CSSs, a hearing took place in March 2025 in the UK Competition Appeal Tribunal (the "Tribunal") to determine which recitals of the Commission 2017 Decision ("Decision") are binding on the English Courts in private damages proceedings against Google.

Foundem, and other claimants in the jointly managed cases, argued that any recital that is directly relevant to the operative part of the Decision, and not merely illustrative, must be treated as binding. To challenge such a recital, the claimants argued, would in substance be to challenge the infringement finding. Google, by contrast, submitted that a recital can only bind the Tribunal if, and to the extent that, it was appealable before the EU courts in isolation. In Google's view, a finding that merely supports the operative part of the Decision without being independently appealable should not constrain the Tribunal.

In its judgment handed down on 11 July 2025, the Tribunal confirmed that 159 of the disputed 165 recitals are binding on the Tribunal. These include findings concerning Google's dominance in specific markets and its abuse of that dominance, which are binding on national courts under Article 16(1) of EU Regulation 1/2003.

This outcome represents a significant step forward for the claimants. The Tribunal confirmed that where a recital has been held to be binding, Google cannot contest that finding in the UK proceedings. As a result, the claimants do not need to prove core elements of the infringement, such as the relevant market definitions, Google's dominance, and the fact of the abuse, over the period covered by the Decision.

The proceedings will now move towards the first stage of a split trial, on liability and the appropriate counterfactual, scheduled to begin on 22 June 2026 and expected to run for five weeks.

CMA Cloud Services market investigation

At the end of July 2025, the CMA published its final decision on its investigation into cloud services, concluding that competition in the market "*is not working well*".

Cloud computing services use remote infrastructure – data centres in other locations – to host users' programmes and data, which are then accessed via a network. The CMA found that certain features of the cloud services markets lead to adverse effects on competition:

1. Market concentration and barriers to entry and expansion have enabled the two largest providers, Microsoft and Amazon Web Services ("AWS"), to hold significant unilateral market power and to earn returns above the cost of their capital over a sustained period.

2. Technical and commercial barriers lock customers into their initial choice of provider, limiting their ability to switch as their needs evolve or new services/offers enter the market.

3. Microsoft's licensing practices further reduce competition in the market, restricting the limited choice and attractiveness of alternative products and suppliers. It found that, as a result of these licensing practices, the input price paid to Microsoft by AWS and Google for software products can be higher than Microsoft's customer-facing price for some cloud customers, and that AWS and Google pass through at least some of the input costs to customers.

On remedies, the CMA proposed that its board prioritise commencing SMS investigations into Microsoft and AWS under the DMCCA, although noting that that consideration might not happen until early 2026. This is an outcome we anticipated in our 2023 article on the subject.

CMA Market Investigation: Mobile Browsers and Cloud Gaming

In March 2025, the CMA published a final report in its market investigation concerning mobile browsers, browser engines, and the distribution of cloud gaming services on mobile devices in the UK. Following an assessment of the feedback received on its provisional findings from November 2024, the CMA confirmed its concerns in relation to mobile browsers.

The authority found that Apple's requirement that all iOS browsers use its proprietary WebKit engine limits what competing browsers can do on iOS. It also identified preferential access for Apple's own Safari browser to key operating system functionalities, as well as restrictions on the use of technology enabling "in-app browsing" adversely impact competition. The CMA further found that the existence of a revenue-sharing arrangement between Apple and Google reduces financial incentives to compete.

Regarding cloud gaming, the CMA concluded that no further action was required following rule changes by Apple in 2024, which would reverse Apple's effective ban on cloud gaming services being provided through native apps.

Automotive Markets

Michelin: Commission inspection decision successfully challenged

In July, the General Court of the European Union partially annulled the Commission's 2024 inspection decision concerning Michelin. The inspections had been carried out under suspicions of price coordination between several major tyre manufacturers, allegedly in breach of Article 101 TFEU. The suspected coordination was thought to have taken place through public statements – such as earnings calls – in which companies signalled their future pricing strategies.

While the Court agreed with Michelin that the Commission had not provided sufficient evidence to justify extending the inspection to an earlier period, it upheld the remainder of the decision, confirming that the Commission had valid grounds for the inspection and was not obliged to specify the time period covered by the raids in advance. The Court also found no violation of the company's rights to privacy or confidentiality. The Commission is now considering next steps, particularly regarding the period excluded from the decision, given that inspections at other manufacturers in respect of that period were not similarly challenged.

Nissan Iberia: CJEU ruling on limitation periods

In September, the CJEU issued a significant judgment in *Nissan Iberia*, particularly relevant to private competition enforcement. The Court held that the limitation period applicable to private enforcement actions following a national competition authority decision does not begin until that decision becomes final – that is, after judicial review on appeal is complete.

The Court reasoned that this interpretation was required by the EU principle of effectiveness, which ensures that the right to claim compensation is not rendered "practically impossible or excessively difficult." This represents a contrast with CJEU case law in respect of Commission decisions, where the limitation period for follow-on damages actions usually begins on the date the decision summary is published in the Official Journal. The CJEU explained that the distinction is justified because Commission decisions are immediately binding on national courts, whereas the decisions of national competition authorities, such as the Spanish CNMC, only become final once judicial review has concluded (see our more detailed analysis of the decision here).

End-of-life vehicle recycling fining decisions

On 1 April 2025, both the Commission and the CMA imposed substantial fines on 15 car manufacturers and the European Automobile Manufacturers' Association for their involvement in a cartel concerning end-of-life vehicle recycling. The parties had exchanged commercially sensitive information and agreed not to promote or publish data on recycling rates or the proportion of recycled materials used in new cars. They also agreed not to pay certain third-party service providers involved in dismantling vehicles.

The Commission imposed total fines of €458 million, while the CMA's separate decision imposed a combined penalty of £77.7 million (approximately €93 million). Both decisions were adopted under settlement procedures following the parties' admissions of wrongdoing.

Utilities and Telecoms

London Array succeeds in power cables cartel follow-on claim

In July 2022, London Array brought a follow-on cartel damages claim[2] before the Tribunal arising from the Commission's 2014 Power Cables decision[3]. The Commission found that several major European and Asian manufacturers (including Nexans) had participated in a cartel between 1999 and 2009, colluding in respect of the supply of high-voltage submarine and underground power cables. These included cables supplied to the London Array windfarm, which at the time was the world's largest offshore wind farm.

The claimants alleged that prices paid for submarine export cables tendered during the cartel period but awarded thereafter were inflated due to cartel conduct.

In May and June 2025, the Tribunal heard the London Array case. In its judgment dated 10 October 2025[4], the Tribunal found that the cartel had caused loss to London Array by way of an overcharge assessed at 5% for the export cables connecting the windfarm to shore. No overcharge was found for inter-array cables, which were supplied by a non-cartelist. The Tribunal also awarded simple interest on damages at the Bank of England base rate, plus 2%.

The London Array proceedings were joined by way of a joint issue with Ms Spottiswoode's opt-out collective proceedings[5], brought on behalf of consumers, to determine whether any overcharge had been passed on to British consumers. In its judgment dated 30 October 2025[6],the Tribunal found the overcharge loss suffered by London Array would not have been avoided or passed on as a result of higher levels of subsidies under the Renewables Obligation scheme. London Array accordingly succeeded on both overcharge and pass-on.

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2 Case 1518/5/7/22: London Array Limited & Others v Nexans France SAS & Others

3 Case AT.39610 – Power Cables

4 London Array Limited and others v Nexans [2025] CAT 59

5 Case 1440/7/7/22: *Clare Mary Joan Spottiswoode CBE v Nexans France S.A.S. & Others*

6 *Clare Mary Joan Spottiswoode CBE v Nexans France S.A.S. & Others* [2025] CAT 68

Phones4U fails in UK appeal

Following a five-day hearing before the Court of Appeal in May 2025, the Court of Appeal[7] dismissed on all grounds an appeal brought by the administrators of Phones4U against a High Court decision rejecting the independent mobile phone retailer's standalone claim against mobile network operators EE, Vodafone, O2 and their parent companies (the "MNOs").

Phones4U's £1 billion cartel claim alleged that the MNOs colluded or engaged in tortious wrongdoing to cause it to enter into administration in 2014. On appeal, Phones4U maintained that various exchanges between the MNOs amounted to concerted practices with the object of restricting competition, and that the MNOs' subsequent decisions not to renew their respective supply agreements with Phones4U should be presumed to have been influenced by those interactions under the *Anic* presumption.

The Court of Appeal concluded that the High Court had not erred in finding that the evidence did not amount to a concerted practice. The Court of Appeal clarified that a concerted practice requires evidence of coordination between parties, market conduct aligned with that coordination, and a causal link between the two. Further, consensus requires "*some form of coordination, in the form of 'practical co-operation*', *between the participants*", and whether passive behaviour constitutes tacit approval will depend on the context.

The Court of Appeal rejected Phones4U's argument that the *Anic* presumption could only be rebutted by public distancing or a report to competition authorities. Under the *Anic* presumption, once participation in a concerted practice is proven, it is presumed to continue unless a party clearly withdraws. The Court of Appeal found that the presumption had been rebutted based on contemporaneous conduct, including the fact that EE had signed a new deal with Phones4U shortly after a highly scrutinised 2012 lunch meeting between O2 and EE's respective CEOs.

Financial Services

Interchange Umbrella Proceedings Trial 1 judgment

In June 2025, the Tribunal delivered its judgment following the first trial in the Merchant Interchange Fee Umbrella Proceedings, which addressed whether the interchange fees (or "MIFs") set by Mastercard and Visa on transactions for credit and debit cards – specifically UK and Irish domestic consumer MIFs, inter-EEA MIFs, interregional MIFs, and commercial card MIFs – infringed Article 101(1) TFEU and the Chapter 1 Prohibition of the Competition Act 1998. MIFs are charges imposed by card schemes that are paid by a merchant's bank to the cardholder's bank, and these proceedings are the latest in the long-running litigation against Mastercard and Visa.

In a decisive win against the card schemes, the Tribunal found that the MIFs infringed competition rules either by *object* (where the conduct is inherently anticompetitive) or, in circumstances where the level of multilateral MIFs is capped by regulation or through an agreement with the Commission, by *effect* (where the conduct has an actual restrictive impact on competition). Mastercard and Visa have each applied for permission to appeal the Trial 1 judgment directly to the Court of Appeal; those applications are pending.

Interchange claims have been brought on behalf of over 2,000 merchants, including household names such as Primark, Levi's, Bet365, and Ocado.

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7 *Phones 4U Ltd v EE Ltd and Others* [2025] EWCA Civ 869

The Umbrella Proceedings is the case management mechanism established by the Tribunal to hear overlapping factual and legal issues in the interchange litigation. It encompasses not only individual merchant claims but also the CICC collective proceedings, which joined the Umbrella Proceedings part-way through preparations for the second trial, and the Merricks consumer collective proceedings, which were involved in that second trial before settling their claim with Mastercard towards the end of 2024. Trial 2 concluded in early 2025, and the Tribunal is expected to hand down its judgment in due course.

A third trial, addressing whether the MIFs benefit from the Article 101(3) TFEU exemption, has not yet been listed but will likely take place in late 2026.

PSR Final Report in market review into card scheme and processing fees

In March, the Payment Systems Regulator ("PSR") published the final report of its market review into card scheme and processing fees.

Every time a debit or credit card is used for transactions with UK businesses, UK businesses pay scheme and processing fees. The PSR's review, initiated in response to increases in those fees, found that Mastercard and Visa increased core scheme and processing fees by at least 25% in real terms between 2017 and 2023.

Additionally, the PSR found that a lack of easy-to-understand fee information led to added costs for acquirers and merchants, including small retailers.

Pharma and Healthcare

Court of Appeal judgment upholds Liothyronine infringement decision

In May 2025, the Court of Appeal upheld in full the CMA's findings in its *Liothyronine* infringement decision concerning excessive and unfair pricing of an essential thyroid medication.[8] From 2009 to 2017, Advanz Pharma increased the price per box from £20 to £248, leading to a substantial rise in NHS spending. The Court confirmed the CMA's original conclusions and reinstated the initial £51.9 million fine on co-defendant Cinven, which had been reduced by an earlier Tribunal judgment.

CMA accepts Vifor commitments

The CMA reached a commitments decision with Vifor in relation to concerns that Vifor, which manufactures an intravenous iron deficiency treatment, had restricted competition by spreading misinformation to healthcare professionals about the safety of a rival treatment. The commitments include a communication campaign clarifying prior statements and a voluntary payment of £23 million to the NHS to address potential financial impact.

Except for the monetary element, these commitments mirror those accepted by the Commission in 2024 in respect of its investigation into Vifor's conduct.

CMA market investigation into veterinary services

In October 2025, the CMA published its provisional findings in its market investigation into veterinary services for household pets. The authority identified significant competition concerns, including sustained increases in prices and treatment costs since 2016 not fully explained by quality improvements.

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8 *Cinven Capital Management (V) General Partner Ltd & Ors v Competition and Markets Authority* [2025] EWCA Civ 578

The CMA proposed a package of remedies, including a price cap on written prescriptions, the creation of a national price comparison website, and reforms to the Veterinary Surgeons Act. The conclusions are provisional and will be subject to stakeholder feedback before a final decision is reached.

CJEU dismisses modafinil appeals

Also in October, the CJEU dismissed appeals by Teva and Cephalon and upheld the General Court's judgment confirming the Commission's 2020 finding decision.[9] The Commission had issued the companies a €30 million fine each for entering into a "pay-for-delay" agreement concerning modafinil, a sleep disorder medication. The Commission held that the companies had entered a settlement with the goal of delaying Teva's entry into the market in exchange for commercial benefits from Cephalon, allowing the latter to maintain high prices after patent expiry.

Labour Markets

CMA guidance on competition law and labour markets

The CMA issued new guidance clarifying how competition law applies to employment practices. The guidance builds on its 2023 guidance document for employers and focuses on no-poaching and wage-fixing agreements and the sharing of competitively sensitive information. It also clarifies that genuine collective bargaining agreements remain outside the scope of competition law but warns that employers should not exchange information about pay or other sensitive matters unless strictly necessary.

CMA fining decision in the market for freelance sports broadcasting services

Putting theory into practice, the CMA fined four major broadcasters – BT, IMG, ITV, and the BBC – a total of £4.2 million following an investigation into the exchange of sensitive information about freelance pay rates in sports broadcasting and production. The CMA found 15 instances in which the companies shared information such as day rates and planned increases, often with the intention of coordinating freelancer pay. The parties admitted liability and received reduced fines under the CMA's leniency programme. The CMA subsequently closed a separate investigation into non-sports broadcasting, noting that the deterrent effect of the sports case was sufficient.

The EU view

In May 2025, Advocate General Emiliou issued his Opinion in *Tondela*, providing an EU analysis of no-poach agreements – albeit one that is not binding on the Court. The case arose from an agreement among Portuguese football clubs during the pandemic not to hire players who had terminated their contracts.

As analysed in our Perspective Blogpost, the Advocate General's reasoning reinforces the idea that no-poach agreements will, in most cases, be considered restrictions by object.

This presumption was only displaced in *Tondela* due to a combination of exceptional factors: the narrow scope of the agreement, its limited duration, its context during the Covid-19 pandemic, and its occurrence within the framework of professional sport.

The message is accordingly clear: absent similarly extreme circumstances, no-poach agreements are likely be treated as inherently anticompetitive.

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9 Case C-2/24 P *Teva Pharmaceutical Industries Ltd and Cephalon Inc. v European Commission,* Judgment of the Court (Fourth Chamber), 23 October 2025, ECLI:EU:C:2025:825

Cabo v MGA judgment

In June 2025, the High Court gave its judgment on the long-running dispute between MGA, one of the world's largest toy manufacturers, and Cabo, a UK-based toy start-up.[10]

Following a six-week trial, Mrs Justice Bacon found that MGA had abused its dominant position and made unwarranted threats of patent infringement proceedings. However, whilst the court was persuaded by the claimant's case on liability, no damages were awarded. This was because the Court held that Cabo had ultimately failed to establish causation: the Court found that Cabo would not have traded profitably even if MGA had not engaged in the abusive conduct, therefore no loss was suffered as a result of MGA's actions.

The Court's judgment also addressed breaches of witness purdah committed by the defendant's CEO, Mr Larian. We covered that aspect of the judgment in a Perspective Blogpost.

Additional UK and EU Commitment Decisions

CMA Housebuilder Investigation

In October 2025, the CMA accepted commitments from seven housebuilders following an investigation into suspected breaches of competition law relating to the exchange of commercially sensitive information, such as agreed sale prices of reserved or sold properties. The commitments include a £100 million payment towards affordable housing programmes in the UK and the implementation of enhanced compliance measures, including cooperation to develop industry guidance on information sharing.

Commission Smartphone Glass Investigation

In July 2025, the Commission adopted a commitments decision concerning Corning, a US-based global glass producer. The Commission had raised concerns that Corning may have abused its dominant position in the global market for alkali-aluminosilicate glass, used as cover glass in smartphones and other electronic devices, through exclusive supply agreements with manufacturers that could have foreclosed competitors.

The commitments, which apply worldwide for nine years, include the removal of exclusivity clauses, a cap limiting Corning's share of manufacturers' purchases to 50%, and a commitment not to link price advantages to sourcing volumes. Corning would also issue a communication to market participants in English and Chinese explaining the commitments. The Commission appointed a monitoring trustee fluent in Mandarin to oversee their implementation.

New UK and EU investigations opened in 2025

The Commission carried out dawn raids in three sectors this year. These were the non-alcoholic drinks sector, the ski equipment sectors (both in relation to suspected anti-competitive agreements or concerted practices), and the vaccines sector (regarding suspected abuses of dominance).

Comparably, the CMA launched only one investigation, into suspected anti-competitive conduct in the supply of waste management services.

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10 *Cabo Concepts Ltd and The Licence World Ltd v MGA Entertainment (UK) Ltd and MGA Entertainment, Inc* [2025] EWHC 1451 (Ch)

Looking ahead

In 2026, we can expect the CMA to continue its focus on supporting growth alongside strong consumer protection and healthy competition. The CMA has published its strategy for 2026 to 2029 with five strategic objectives: (i) promoting effective competition; (ii) championing consumers; (iii) helping government deploy tailored pro-competition interventions to support growth, innovation and investment-related policies; (iv) fostering a UK regulatory landscape that attracts investment and instils business confidence; and (v) prioritising UK interests.

From the Commission, we can expect a continued focus on digital markets – ensuring fair access to technology while preserving innovation. The Commission is likely to intensify its efforts to scrutinise no-poach or labour market-rigging arrangements.

Several EU and UK investigations may culminate in decisions in 2026. From the Commission, this includes: its cartel probe into Norwegian Atlantic salmon producers; its investigation of tyre manufacturers; its probe into the Greek electricity wholesale market (following a 2024 Statement of Objections to Public Power Corporation); and its probe into the automotive starter battery cartel (following a 2023 Statement of Objections to six companies and one trade association). From the CMA, this includes its ongoing investigation into Google Ad Tech.

The CJEU will likely give its judgment in respect of the Commission's 2021 European Government Bonds decision, which had been largely upheld by the General Court. The case concerns alleged collusion in European government bonds trading through the exchange of commercially sensitive information and coordinated trading strategies.

In the UK, the Tribunal is set to hear Whaleco UK Limited's counterclaim for damages against Roadget Business Pte. Ltd and Shein Distribution UK Limited, alleging infringements of Chapter I and/or Chapter II of the Competition Act 1998. The counterclaim follows Shein's earlier action alleging that Temu – operated in the UK by Whaleco UK Limited – used thousands of Shein's copyrighted images to suggest it sold the same products.

Across both jurisdictions, public enforcement and private litigation may also be expected to respond to new and emerging challenges, such as in AI, the intersection with copyright-related conduct, the regulation of professional sports, and the terms and conditions for the supply of labour.

If you would like to discuss anything in this newsletter, please contact Scott Campbell, Head of Competition Disputes, on scampbell@hausfeld.com or your usual Hausfeld contact.

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