Most favoured customer clauses have been increasing in both breadth and impact systems over the past two years. In the European Union, the cases of the EC concerning the remedies, a number of antitrust disputes involving such clauses have been ongoing. The European Commission has been enforcing a wide range of antitrust measures against the use of such clauses, including an investigation into the use of most favored customer clauses by the Hollywood majors in the context of their granting of licenses to cinemas. The Commission found that the use of such clauses was in breach of EU competition law.

The Commission has raised concerns that the use of most favored customer clauses can lead to exclusionary conduct, as they allow one party to obtain preferential treatment over other parties. This can result in harm to consumers and competition. The Commission has emphasized the importance of ensuring that such clauses are used in a way that does not prohibit or severely restrict competition.

In the United States, the Federal Trade Commission (FTC) has also been active in enforcing antitrust laws against the use of such clauses. The FTC has been investigating the use of most favored customer clauses by the insurance industry, including Blue Cross and Blue Shield, which have been accused of using such clauses to exclude other insurers from accessing certain hospitals.

The FTC has been critical of the use of such clauses by the insurance industry, arguing that they can result in higher prices and reduced competition. The FTC has also been concerned about the potential for such clauses to be used as a means to exclude or harm competitors.

The use of most favored customer clauses has been a frequent topic of discussion in the context of antitrust law and policy. The European Union and the United States have both been active in enforcing antitrust laws against the use of such clauses, and the use of such clauses has been the subject of significant debate and analysis in the legal and academic communities.

In conclusion, the use of most favored customer clauses can have a significant impact on competition and consumer welfare. Antitrust authorities have been actively enforcing antitrust laws against the use of such clauses, and there is likely to be ongoing debate and analysis of the use of such clauses in the context of antitrust law and policy.