Kluwer Competition Law Blog

Main Developments in Competition Law and Policy 2024 – Germany

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The following is a selection of some important developments in German competition law and policy in 2024. It covers the latest legislative changes for hospital mergers, cases under special rules for digital gatekeepers, abuse of dominance, merger control, the sector inquiry into charging stations for e-vehicles, antitrust (cartels, vertical price fixing and horizontal cooperation) and damages litigation.

Legislative changes

Exemption from merger control rules for certain hospital concentrations

On December 11, 2024, the Hospital Care Improvement Act was enacted and took force the next day. It contains a new exemption from German merger control rules for certain hospital concentrations (Section 187(10) ARC) if closed by the end of 2030. The transaction needs to involve a "concentration across locations". The notion of this criterion remains unclear. Based on the wording it would capture hospitals or at least departments or functions being merged as part of the deal, but not necessarily mere takeovers or acquisitions of control without such changes. The (non-federal) state authority for hospital planning needs to confirm that it considers such a deal necessary for improving hospital care and that it complies with other competition law provisions. The latter refers to the authority's knowledge "at the time of its decision" and does not require the authority to obtain more information ex officio. Whether the state authorities have the resources to deal efficiently with the hospital merger requests remains to be seen, in particular if the review covers more than a tick-the-box exercise. The FCO's president has criticized the new exemption, fearing it would lead to less quality of medical services in the long run.

Special rules for digital companies – Section 19a ARC

The FCO designated Microsoft as another gatekeeper, and the Federal Court of Justice ("FCJ") ruled on Amazon's designation and procedural matters in Section 19a ARC cases. The FCO did not finalize proceedings into specific practices in 2024, but at a conference the FCO's president envisaged that the Apple's App-Tracking-Transparency-Framework (ATTF) and Amazon's brandgating cases likely come to an end in 2025 (for an overview of Section 19a ARC proceedings

in German see here).

Gatekeeper designation of *Microsoft*

On September 30, 2024, the FCO has designated Microsoft (MS) as a digital gatekeeper, i.e., MS is subject to the special rules under Section 19a ARC (see press release here and case summary here). The designation lasts for five years, in which the FCO can intervene against specific practices under Section 19a(2) ARC. (Alphabet/Google, Amazon, Apple and Meta/Facebook have already been designated as gatekeepers, see blog on German developments 2023 here).

The FCO explains why MS meets the gatekeeper conditions (active on multi-sided markets and paramount significance for competition across markets): The FCO refers to the Windows OS for PCs, in which MS is traditionally dominant, as the core of MS's ecosystem, complemented by browser OS, productivity software (Office products & services), and Azure cloud services. While MS generally operates an open system and integrates many third-party offers into its portfolio, the FCO stresses the technical interconnection of MS' different products and services. The Teams videoconferencing services serve as an example of how it could expand its position into new markets and quickly gain market power. The FCO also refers to MS' external growth, like the acquisitions of LinkedIn (online professional network) and Xbox (gaming).

MS' leading position in AI, including the integration of its Copilot AI in many products/services, is specifically highlighted, as well as its strong position in cloud services (Azure), in which MS partners with several innovative AI companies, like Open AI. The FCO concludes that MS is "the standard for business, administration and private users in central fields of application", as it provides essential elements in IT infrastructure and the basis for other applications for business software. Developers of such applications need to meet the framework conditions set by MS to ensure compatibility. The FCO notes that MS often competes with these developers at product level, i.e., has a dual role in this respect. The FCO has not yet started specific proceedings under Section 19a(2) ARC against MS.

Amazon's appeal against gatekeeper designation

The Federal Court of Justice (FCJ) is the sole appellate body regarding FCO decisions in the context of Section 19a ARC. On April 24, 2024, it rejected an appeal of Amazon against its designation as gatekeeper. The FCJ largely confirmed the FCO's approach, clarifying that the FCO is not required to find that the company's conduct already creates actual risks for or harms competition. The qualification as a gatekeeper relates to the company's strategic and competitive capabilities, rather than specific market conduct – the latter being subject to specific proceedings for which the designation is a necessary first step (here is a blog dedicated to the case).

Google appeal against disclosing information

On February 20, 2024, the FCJ largely rejected a Google appeal against the FCO's plan to grant Google competitors access to a non-confidential version of its S/O in the context of proceedings

under Section 19(2) ARC into Google Automotive Services (see decision in German here). The FCJ confirmed that a disclosure can be permissible for public enforcement purposes and to safeguard the competitors' procedural rights (if participants to the proceedings). However, disclosing the information needs to be proportionate, i.e., suitable, necessary and appropriate to clarify facts, and the FCO needs to engage in an exercise of balancing the relevant interests, including the gatekeeper's interest in protecting its business secrets. Ultimately, the FCJ only found that the disclosure of a literal quote of an internal Google strategy paper was not necessary and thus not permissible.

Abuse of dominance

Digital mobility services

In June 2023, the FCO had found that Deutsche Bahn ("DB") abused its dominant position and ordered it to change certain practices and contractual arrangements related to mobility services platforms that offer online solutions for integrated route planning (see the blog on German 2023 developments here). DB appealed the decision with the Düsseldorf Court of Appeals and requested that the appeal have suspensive effect in interim proceedings. On March 8, 2024, the court largely rejected DB's interim request (see decision in German here). The court did not, after a summary review, have serious doubts as to the legality of the FCO's decision. The only exception concerned the FCO imposing on DB to apply a particular cost model as the basis for remunerating mobility platforms for their booking, payment and ticketing services for DB, i.e., the LRAIC (long-run average incremental cost) model. The court considered this arbitrary. While LRAIC or similar models (incremental costs) may have played a role in assessing a dominant undertaking's own pricing policy (e.g., in the ECJ's *Post Danmark I*) the court doubted that this model would be recognized as a minimum standard for dominant players to remunerate the services provided by third parties. The main proceedings are still ongoing.

On August 15, 2024, the FCO published that DB had implemented an important aspect of the June 2023 decision by entering into a first set of agreements with mobility service platforms granting them access to real-time data (see press release here). While the FCO hailed this as a milestone, it illustrates the long timeframe of dominance proceeding in practice.

Meta/Facebook

After a long saga, on October 10, 2024, the FCO terminated abuse of dominance proceedings against Meta/Facebook (FB) concerning the combination of user data without consent in Germany (see press release here and case summary here). The proceedings involved several appeals by Meta, including a referral to the ECJ, which ruled in July 2023 that the FCO could consider principles of data protection law when assessing potential abuse of dominance conduct under national competition law (see blog on German developments 2023 here). The FCO was now content that the measures Meta gradually undertook to implement the FCO's original decision of February 2019, in which it ordered FB to terminate the abuse, were sufficient to close the proceedings, and Meta withdrew its last pending appeal in the matter.

Meta's measures include:

- Users decide in the accounts center which Meta services they want to combine, and thus between which of these services their data can be shared, including for advertising.
- New “cookie” settings allow FB data to be separated from data collected on third-party sites.
- Users can use the FB login function for third-party apps or on third-party websites but opt not to combine their FB data with the data collected on these other sites.
- Concise customer information to quickly find the relevant settings and user navigation notices.
- Only limited combination of data for security purposes on a temporary basis.

Interestingly, the possibility for FB users in Germany to opt for a limited combination of user data while still using the services and receiving personalized ads on that basis seems to go beyond the binary choice Meta offers to the rest of EEA users after implementing Art. 5(2) DMA, i.e., the pay-or-consent model – even though Art. 5(2) has been modeled upon the German FB case. (Art 1(6) DMA allows the parallel application of national competition law to the DMA.)

Merger control

Merger control was a key area of the FCO’s activities in 2024. Overall, the FCO dealt with approximately 900 filings in 2024, ca. 100 more than in the previous year. The agency investigated 10 transactions in second phase proceedings. Of these, four were withdrawn, three were cleared and one prohibited (with another two still pending).

Prohibition of university clinic Mannheim/university clinic Heidelberg

On July 26, 2024, the FCO prohibited the planned acquisition of the majority shares in university clinic Mannheim (“UKMA”) by university clinic Heidelberg (“UKHD”) after a phase-II investigation (see press release here). They are in proximity and offer acute inpatient hospital services. The FCO found that the deal would strengthen UKHD’s already dominant position in the Heidelberg hospital market. The merged entity would additionally become dominant in the Mannheim and the nearby Heppenheim region (where UKHD operates another hospital). This would concern the market for general acute inpatient hospital services, as well as the separate market for acute inpatient services for children and adolescents, in which the FCO qualified the parties as clear market leaders. The FCO predicted a loss of quality competition (given that prices are regulated) as a result, stating that quality-based competition can only exist between hospitals with different operators.

The FCO reviewed but ultimately rejected the efficiencies claimed by the parties, including so-called volume-outcome effects, i.e., that increased case volume leads to an increase in the quality of care. The FCO decided that these effects could not outweigh the negative effects on competition nor significantly mitigate these: the two parties were already clear quality leaders in many medical departments prior to the merger. The FCO found that the merger was not indispensable to further improve the quality of services, which could also be achieved through medical and scientific cooperation. In the meantime, the parties have requested ministerial authorization for the deal. The decision was referred to as a reason for introducing the new exemption for hospital mergers from the merger control rules.

Crash test dummies merger withdrawn

Ansys withdrew the filing of its planned acquisition of a minority shareholding of 35% in Safe Parent in phase II proceedings on July 17, 2024 (see press release here). (In Germany, the acquisition of more than 25% of the shares is a concentration, irrespective of control.) Ansys offers simulation software for crashes with occupant protection, while Safe Parent is the only supplier worldwide of both physical and virtual crash test dummies. These products/services are used and sourced in combination for crash test simulation in the automotive industry.

The FCO had concerns that the conglomerate merger would strengthen the parties' existing dominant positions. Safe Parent was to remain the majority shareholder and keep sole control. Still, the FCO found post-merger Safe Parent would have an incentive to impede Ansys' rivals due to an option (limited in time) for Ansys to acquire all shares in Safe Parent, and given that the parties planned to further deepen an existing joint sales and marketing cooperation for their complementary products. The FCO said Safe Parent could delay offering dummies for other crash test simulation software, increase their prices or cease their supply. Ansys would have an incentive to impede Safe Parent's rivals due to financial gains as a new minority shareholder, e.g., by making it technically more difficult for Safe Parent's rivals to develop dummies compatible with Ansys' software. Moreover, the FCO found it likely that the parties would bundle their complementary products, with possible foreclosure effects. The FCO explicitly mentioned that even the strong automotive industry's buyer power would not be able to countervail any such tactic.

The Parties offered commitments, which the FCO rejected, because they only concerned Ansys, not Safe Parent, and would have required an ongoing monitoring of Ansys market conduct, which is not permissible under German law. The case is a rare example where the acquisition of a minority shareholding risked a prohibition. In addition, the FCO stresses that it looked closely at economic analyses and requested internal documents (strategy papers and internal emails), which is not standard procedure in Germany.

Withdrawal of Super RTL/Nickleodeon

Super RTL abandoned its plan to acquire TV channel Nickleodeon from Paramount on September 17, 2024, after the FCO announced it would prohibit the transaction (see press release in German here). The FCO had serious concerns regarding the market for video ads for the target group of children up to 13 years, which it defined as a separate market from other advertising, and to include ads on children's TV as well as online channels/platforms. The FCO found that Super RTL's is by far the leading supplier for these ads based on its children's TV programs and offers, followed by Disney and Nickleodeon. The deal would have strengthened Super RTL's position, even if considering Alphabet/Google's YouTube Kids offer.

*Clearances in phase II without commitment*s

Thermo Fisher/Olink

On June 17, 2024, the FCO unconditionally cleared the acquisition of Swedish biotech company Olink by US life science research solutions supplier Thermo Fisher. The deal was notifiable

because of the transaction-value threshold: the target did not meet the domestic turnover thresholds, but the value of the acquisition was around € 2.8 billion.

The FCO reviewed closely the parties' activities in proteomics, which are largely complementary. Olink developed an antibody tests platform for analyzing proteins with samples of human body fluid, so-called high-plex analyses. These can analyze up to 5,400 specific target proteins simultaneously in a very short time, which is mainly relevant when conducting cohort studies. Thermo Fisher is active in so-called High Resolution Accurate Mass (HRAM) mass spectrometers, which are inter alia used in protein analysis. These are specialized measuring instruments, based on fundamentally different technology, and can identify up to 20,000 human target proteins. They are used for an exploratory analysis of proteins in a given sample. The FCO found that the two activities and technologies belong to separate, neighboring markets, even though they may be used in combination.

While the FCO viewed Olink to have a superior position in the high-plex analyses market and Thermo Fisher a strong position in the market for HRAM mass spectrometers, the FCO concluded that the merger would not strengthen these. It took into account that the parties' products are usually purchased separately, and the customer bases are generally different. The FCO did not find the parties to be potential competitors, as there was no indication that the markets would converge into an overall proteomics discovery market within the next five years. The FCO considered conglomerate effects via product bundling and market foreclosure unlikely. The different technologies rule out technical bundling, while huge differences in procurement cycles and pricing speak against commercial bundling. More importantly, the FCO stressed that the markets concerned are characterized by innovation and growth, with the parties' competitors pursuing strategies of cooperation or acquisitions to counter the merger and offer sufficient alternative solutions to customers.

Schüco/Gest

The FCO cleared the acquisition of joint control and 49% of the shares in Gest by Schüco group on November 29, 2024 (see press release here). Both companies are system suppliers for aluminum building systems. While Schüco focuses on aluminum building systems, Gest is specialized in aluminum profiles for hybrid windows (wood-aluminum and PVC-aluminum). The FCO stressed Schüco's dominant position in the national overall market for aluminum building systems including in the window systems segment. Nevertheless, the FCO cleared the merger, because the parties' horizontal overlap was minimal, as Gest is hardly active in aluminum-only building systems. The FCO concluded that the overlap and potential portfolio effects would not be sufficient to conclude with the necessary degree of certainty that the deal would strengthen Schüco's dominance.

KME/Sundwiger Messigwerke

The FCO cleared the acquisition of Sundwiger Messingwerke by KME on December 3, 2024 (see press release here). The parties manufacture semi-finished copper and copper alloy products: KME offers a broad range of rolled products made of copper, brass and bronze, while Sundwiger focuses on bronze strips and certain alloys. The FCO found KME to have by far the leading

position in a concentrated overall EEA-wide market for rolled copper products. The deal would strengthen KME's position, notably in rolled products made of bronze, i.e., Sundwiger's key activities, and would further reduce the number of rolled bronze products suppliers in the EEA. However, given that this segment only accounts for a small portion of the total rolled copper products market, the FCO concluded that the change in KME's position post-merger was too minor to justify a prohibition.

On these last two decisions it is noteworthy that under German caselaw (mostly from before the introduction of the SIEC test) the increment resulting from a merger does not need to be perceptible (*spürbar*) for finding a strengthening of dominance. Even cases with low increments were prohibited in the past. While the press releases do not mention the size of the increments, it remains to be seen whether the decisions mark a tendency towards the Commission's approach to the SIEC test in practice (i.e., increments below 5% are not necessarily closely reviewed), or whether they are simply based on extraordinary facts.

Acqui-hires as a concentration – Microsoft/Inflection

On November 29, 2024, the FCO decided that the so-called acqui-hire deal between Microsoft and Inflection, developer of the Pi chatbot, qualified as a concentration under German merger control rules, but did not meet the notification thresholds (see press release here). The deal involved MS hiring almost all employees from Inflection in Germany, Inflection would grant MS a license for related IP rights, as well as related financial arrangements. The FCO considered this a de facto acquisition of Inflection (or of its assets), as Inflection's competitive potential was transferred. Inflection did not have significant turnover in Germany. While the transaction's value exceeded the related regulatory threshold of € 400 million, the target did not meet the condition of significant activities in Germany, because its user numbers were too low. The FCO's approach on concentration aligns with the Commission, which looked at the deal but could ultimately not review it (see press release here). In the meantime, Microsoft had provided information about the deal to the Commission under Art. 14 DMA (see overview here).

Antitrust – Cartel enforcement

In 2024, the FCO imposed fines of overall € 19.4 million on three companies and one individual (including for vertical price fixing). This is an increase from 2023, in which the fines totaled € 2.8 million only. The FCO carried out 11 dawn raids, and 17 undertakings applied for leniency in 2024. However, the FCO points out that most ongoing proceedings have been initiated based on information received outside of the leniency program (see press release here). The FCO aims to make its cartel enforcement more effective, already using software-based market screening to detect infringements, and wants to use more AI in the future – without further details.

Horizontal Cartels

The FCO only terminated proceedings in one horizontal cartel case in 2024, i.e., in the construction sector regarding the renovation of Cologne's Zoobridge. On December 6, 2024, the FCO fined

Strabag AG, Cologne, for bid rigging in the amount of € 2.79 million (see press release here). The case was triggered by an anonymous hint via the FCO's whistleblower tool. Kenna received no fine because it applied for leniency and was the first to submit evidence to allow the FCO to prove the infringement (Section 81k(2) ARC). Strabag also cooperated with the FCO and agreed to the fine in a settlement.

Vertical price fixing (resale price maintenance, RPM)

Protective clothing

On March 13, 2024, the FCO fined protective clothing manufacturer Pfanner € 0.78 million (see press release here). The FCO found that Pfanner and its distributors agreed resale prices should stay close to the recommended resale prices (RRPs) and that rebates should consist of product freebees rather than monetary reductions. Pfanner monitored adherence and developed a centralized monitoring system, while distributors reported higher prices in the market. The monitoring also included test purchases at sub-dealers who were not Pfanner's contractual partners, identifying the intermediary who supplied the products, requesting them not to resell at these conditions and to inform the sub-dealers to adhere to RRPs. The case was triggered by a distributor's leniency application. Pfanner also cooperated and agreed to a settlement decision, lowering the fine. The participating distributors were not fined. The FCO says it was the first case in which it used its new powers under Section 82b ARC (based on the ECN+ directive) to issue official requests for information in administrative offence proceedings to collect information and evidence from companies without a dawnraid.

Telecoms and network technology products

The FCO also fined AVM and one individual for vertical price fixing with six electronics retailers, in a total amount of € 16 million on July 2, 2024 (see press release here). AVM manufactures telecoms and network technology products, and supplies routers, repeaters, telephones and smart home products under the well-known "FRITZ!" brand. The FCO says AVM coordinated end consumer prices with the electronics retailers involved. The coordination generally aimed at price increases; sometimes AVM also demanded certain minimum sales prices, ranging between the RRP and the retailers' purchase price. AVM monitored the retailers' end consumer prices via in-store research, online price comparison services and specialized software, and the retailers reported low end-consumer prices from others. The case was triggered by a tip-off received via the FCO's whistleblower tool, and by what the FCO calls "additional hints from the market ", leaving unclear how these hints were obtained. AVM agreed to a settlement, which lowered the fine. The participating retailers escaped fines because the FCO says that the center of gravity of the infringement was on AVM's side.

Antitrust – Horizontal cooperation

Joint marketing of media rights for soccer matches

On February 26, 2024, the FCO terminated its review into the DFL's (the German soccer league association) marketing model for the season 2025/26 via a non-action letter (see press release here). The model constitutes joint selling by DFL, which is viewed as a restriction of competition under Art. 101 TFEU/Section 1 ARC but can be exempted. The FCO had already given green light at the end of January 2024 (see press release here), but re-examined its analysis after the *Super League* judgment of the Court of Justice (Case C-333/21 of December 21, 2023). In the end, the FCO concluded that the ruling did not materially alter the outcome (see German non-action letter here).

The FCO tolerates the new model, under which DFL markets different live match rights packages, similar to the previous models, divided by match day and by individual match vs. conference format. Each package covers exclusive rights for all broadcasting channels, including satellite, cable and internet. Separate packages will also be available for prompt coverage of all Bundesliga matches' highlights on free-TV. The FCO still considers the latter as a minimum for allowing consumers a fair share of the benefits. The FCO does not longer oppose a single buyer solution, because it found that there has been sufficient innovation regarding the development of new offers, including via streaming content over the internet. The FCO expressed doubts as to the exclusivity of the live match packages, also given the *Super League*ruling, but it decided to tolerate it. It will closely monitor the results and might reverse its position should the exclusivity result in negative effects, like increased end consumer prices above the level of general price developments.

Advertising cooperation RTL/RTL2

On December 18, 2024, the FCO informed the two broadcasters that it did not consider their planned advertising cooperation as feasible under antitrust laws (see press release here). RTL2 is a JV between RTL and other media companies, and antitrust laws apply. RTL wanted to market RTL2's TV advertising space. The FCO found the parties to be close competitors of considerable market significance in TV advertising and expected the joint marketing to lead to price increases for advertising customers. On the other hand, it did not find sufficient efficiencies to justify an exemption. The FCO acknowledged ongoing changes in the media landscape and examined the role of digital video ads. It found that while the ad space in streaming services like Netflix, Amazon and Disney is comparable to linear TV ad space, these services are mostly fee based and only offer ads in a complementary way. Accordingly, these services don't (yet) exercise sufficient competitive pressure on RTL's strong position in video ads. In the past, the FCO defined (linear) TV ads as a separate market in which RTL and Pro7 had a duopoly – but the press release left the exact market definition open and did not allude to a duopoly.

Automotive Licensing Negotiation Group ("ALNG")

On June 10, 2024, the FCO issued a non-action letter regarding the proposed creation of a framework for negotiating license agreements for standard essential patents ("SEPs"), mainly for 4G and 5G mobile telecommunication technology, through ALNG, consisting of VW, Mercedes-Benz, BMW, Thyssenkrupp (see press release here, with a link to the FCO's letter). The cooperation is the first of its kind and aims at joint license negotiations of SEP implementers in the automotive industry with SEP holders/pools. (The concept was discussed in the 2021 report of the

Commission experts on licensing and valuation of SEPs, see here, but does not feature in the draft SEP regulation, see here).

The FCO assessed the cooperation under the principles of the Commission's Horizontal Guidelines on purchasing groups. It tolerates the cooperation if the joint market shares on the licensing market(s) for SEPs don't exceed 15% (safe harbor), which it considers to be the case regarding general mobile telecommunication standards. While ALNG's combined shares would exceed 15% in some downstream automotive sales segments, the FCO noted that spill-over effects were unlikely because the costs for SEP licenses typically amount to less than 1% of overall vehicles' production costs.

The FCO insisted, however, on the following limits: (i) ALNG's activities do not cover licensing automotive-specific standards (because then the members' combined shares would likely exceed 15% on the purchase side); (ii) ALNG must be open to other automotive suppliers wishing to enter; (iii) negotiations with ALNG must be legally and factually voluntary for licensors, including ending such negotiations at any time; and (iv) that the information exchange within ALNG is limited to what is necessary to carry out ALNG and that the firewalls and other protective measures described by ALNG be kept in place. It remains to be seen whether SEP implementers in other industries will follow this example and create joint licensing groups.

Sector inquiry

Electric vehicle charging stations

On October 10, 2024, the FCO finalized its sector inquiry into electric vehicle charging stations (Section 32 e ARC, see press release in German here). The published report criticizes that the structures are harmful for competition, in particular at local level, where municipalities often preferred their own utilities or single suppliers when awarding suitable public spaces for the construction of charging stations. This resulted in highly concentrated local markets with a tendency towards monopolization and higher prices for consumers. The FCO sees a risk of excessive pricing in dominated markets, even though the existing different price levels alone are not sufficient evidence. Another risk is margin squeeze, as the operator of charging stations also set prices for consumers using the station via mobility service providers. Overall, the FCO does not yet consider that the conditions for an unbundling of these structures under the new competition tool (malfunction of competition, Section 32 f ARC) are met. It notices that antitrust law can be used in individual cases to ensure a non-discriminatory award of spaces or against a dominant operator's abusive practices.

Damages litigation

Trucks Cartel IV

On July 9, 2024, the FCJ quashed a ruling that denied follow-on damages regarding the trucks cartel, and referred the case back to the lower court (decision in German here). The case concerned a claimant that had bought 112 trucks and referred to the Oxera 2009 meta study (median cartel overcharge 18% of the purchase price). The claimant provided evidence for the purchases and

requested 15% of the purchase price as damage suffered. The first and second instances rejected the claim because the quantum was not sufficiently substantiated.

The FCJ clarified that in terms of burden of proof, it is sufficient for the claimant to submit all tangible indications/evidence that are readily available to him to allow the court to freely estimate the amount of damage. The claimant cannot be required to submit a comparative market analysis, even if determining the quantum of cartel damages is complex. Rather, other indications may also be suitable for concluding that the claimant has suffered significant damage. The FCJ pointed out errors in law when the appeals court stated on the one hand that it was convinced the claimant had suffered damages, but on the other hand that it was incapable of estimating the quantum (or even a minimum damage) absent an economic analysis. If the appeals court really considered the economic analysis as decisive it would have needed to appoint a court expert to carry it out (as the claimant had offered).

The case triggered a huge debate in in Germany, including on whether the judgement renders any economic expert opinion for claimants obsolete in the future. That does not necessarily seem to be the case, but questions remain (see a related Kluwer Competition Law Blog here). Another open question is how this plays out with the recent ECJ ruling regarding collective actions via assignment model (C-253/23 – ASG2/Roundwood). One issue in the ruling was how effective it is to bring individual claims for cartel damages in Germany (see related blog here). *Trucks IV* may well be seen to make it easier to bringing individual damages cases in Germany.

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