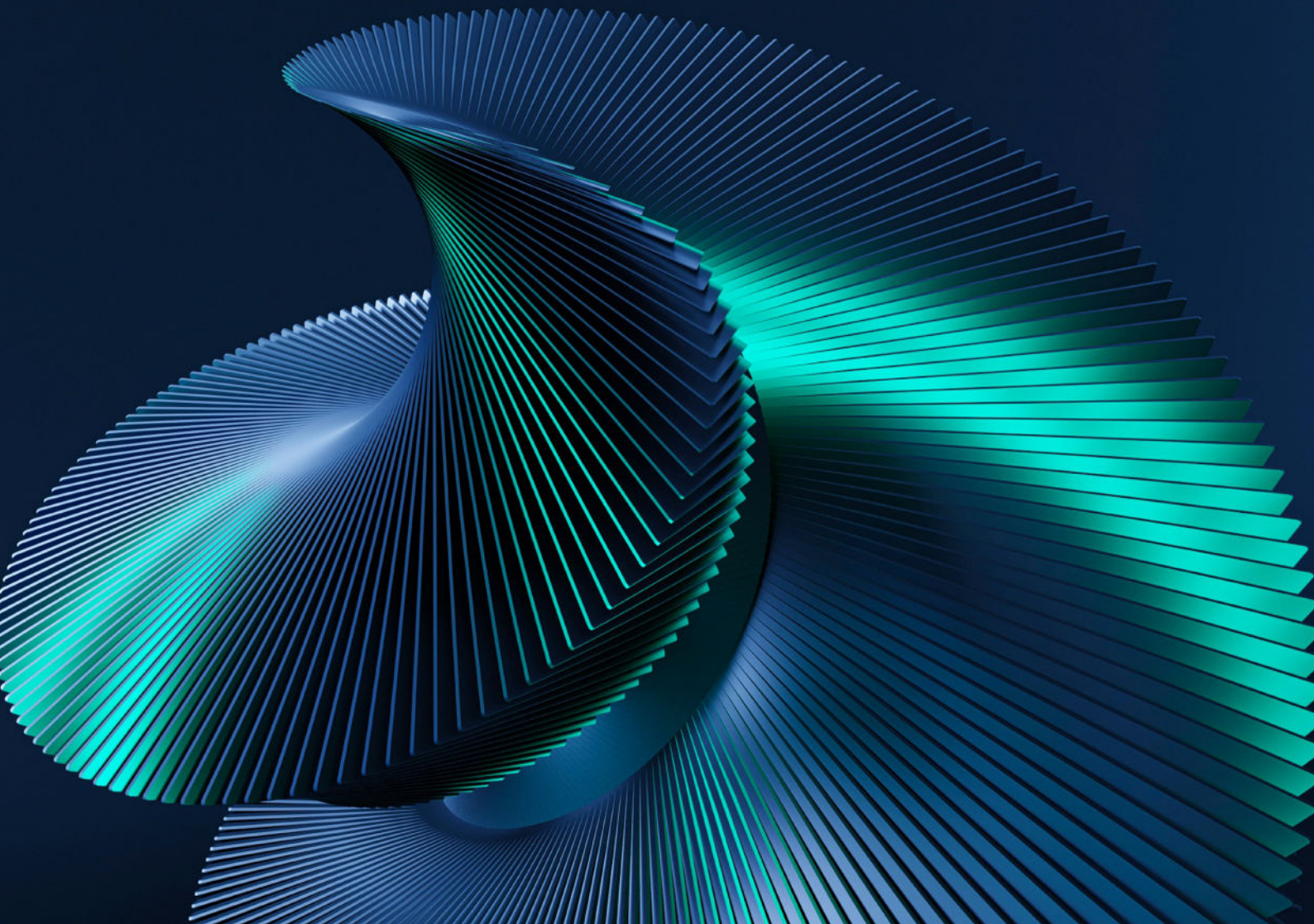


GENTEMIZER

Two-Minute Recap

Competition Law Matters Around the Globe

2026 September



Commission Adopts Guidelines on Exclusionary Abuses of Dominance

On 3 September 2026, the European Commission (“**Commission**”) adopted new guidelines on exclusionary abuses by dominant companies, replacing its 2008 Guidance on enforcement priorities. The guidelines aim to modernise the Commission’s approach, provide greater legal certainty and promote more consistent enforcement across the EU.

To achieve these objectives, the guidelines introduce several important changes to the assessment of potentially abusive conduct. They adopt a sliding scale for evidence: the more likely a practice is generally considered to harm competition, the less case-specific evidence the Commission may require. A clearer distinction is also drawn between pricing and non-pricing conduct. Price-cost tests remain relevant for practices such as predatory pricing and margin squeeze but will generally not be required for access restrictions or self-preferencing. Dominance is considered unlikely below a market share of 40%, while dedicated sections address digital ecosystems, network effects, data, AI and aftermarkets. Sustainability benefits and efficiencies arising in related markets may also be accepted as potential justifications.

The new framework is particularly important for dominant digital businesses, as it gives the Commission greater flexibility to examine non-price conduct while requiring it to explain how

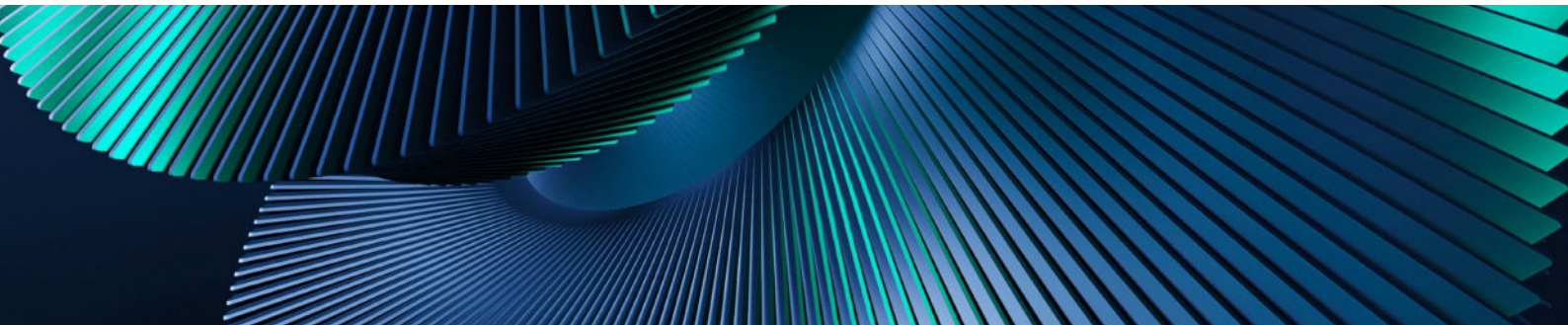
the conduct may harm market entry, consumer choice or innovation.

UOKiK Fines Biedronka Owner and Carriers Over Labour-Market Collusion

Poland’s competition authority (“**UOKiK**”) has imposed fines totalling more than EUR 130 million on Jeronimo Martins Polska, the owner of the Biedronka supermarket chain, 29 transport companies and eight individuals over a no-poach arrangement affecting drivers serving Biedronka distribution centres. Jeronimo Martins Polska alone was fined approximately EUR 120 million.

Between June 2017 and at least February 2024, the transport companies agreed not to hire one another’s drivers. Drivers wishing to move between participating carriers were required to obtain their current employer’s consent or wait several months before they could work at the same distribution centre. UOKiK found that the arrangement reduced competition for drivers and may have resulted in less favourable pay and employment conditions for several thousand employees.

UOKiK also found that Jeronimo Martins Polska organised and enforced the arrangement, acted as an intermediary between the carriers and used its control over access to the distribution centres to ensure compliance. The decision reflects the growing competition law focus on restrictions affecting labour markets. Furthermore, the substantial fine imposed on Jeronimo Martins Polska shows that liability may extend beyond



the employers directly participating in a no-poach arrangement to businesses that facilitate or enforce it.

CMA Fines Construction Firm and Staff for Concealing Evidence During Inspection

The UK Competition and Markets Authority (“**CMA**”) has fined construction firm M&J Group and two of its staff a total of GBP 50,000 (approx. EUR 57,831) for hiding a mobile phone and documents during an inspection. These are the first civil penalties the CMA has imposed on individuals for concealing evidence. The inspection formed part of the CMA’s ongoing investigation into suspected bid rigging by 12 construction companies. The penalties relate only to the obstruction and do not indicate whether competition law was infringed.

During the inspection, M&J’s Estimating Director instructed the Office Manager to remove a work phone and paperwork from the premises and falsely told CMA officers that he did not have a work phone. The fines are GBP 25,000 (approx. EUR 28,915) for M&J, GBP 20,000 (approx. EUR 23,132) for the director and GBP 5,000 (approx. EUR 5,783) for the office manager. As the conduct predated the CMA’s enhanced powers of January 2025, the lower maximum penalty applied to the company.

CADE Closes Amazon/Anthropic Case but Keeps AI Partnerships Under Watch

Brazil’s Administrative Council for Economic Defense (“**CADE**”) has closed its investigation into Amazon’s investments in Anthropic and their collaboration agreements covering computing

infrastructure and AI models. The Tribunal found that Amazon’s 2023 acquisition of a minority stake constituted a merger but did not require prior notification and the agreements did not constitute a partnership agreement. It therefore found no gun-jumping.

The rapporteur stressed that the decision is limited to the arrangements examined and does not place all minority investments or collaborations between computing infrastructure providers and AI developers outside merger control. CADE noted that such partnerships may generate efficiencies but also raise concerns such as dependence, switching costs and access to sensitive information, and that it may reassess the relationship or investigate its effects in the future.

ACCC Blocks IAG’s Acquisition of RAC Insurance

The Australian Competition and Consumer Commission (“**ACCC**”) has decided that Insurance Australia Group (IAG) must not proceed with its proposed acquisition of RAC Insurance, following an in-depth Phase 2 review under Australia’s formal merger regime. The ACCC found that the deal would be likely to substantially lessen competition in motor vehicle insurance and home and contents insurance in Western Australia, where RAC Insurance is the market leader.

The acquisition would have given IAG market shares of around 55 to 65% in motor vehicle insurance and 50 to 60% in home and contents insurance in the state. The ACCC considered that other insurers would not sufficiently constrain the merged firm.

GenTemizer is a Turkish law firm based in Istanbul, Türkiye. We advise various businesses in relation to their investments, M&A, competition law/antitrust, project financing and construction projects as well as on operational and dispute resolution matters in the context of the Turkish regulatory framework. We have also advised investors in relation to government sponsored privatisation projects.

We are listed in *Legal 500*, *IFLR1000* and *Chambers and Partners* as one of the leading law firms in Türkiye. Each of our partners have also been recognised as one of the leading lawyers in Türkiye. We understand and can meet the demanding requirements and innovative, responsive thinking required for an investment transaction in Türkiye.

For more information, you can contact us.



Bulut Girgin
Partner
bgirgin@gentemizer.com



Mustafa Polat
Senior Associate
mpolat@gentemizer.com



Semanur Avcı
Associate
savci@gentemizer.com



Kadir Koçer
Legal Trainee
kkocer@gentemizer.com