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Annual Report on Competition Policy Developments in Germany

-- 2024 --

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Germany

Executive Summary

1. In 2024, only a few amendments were made to the national competition law framework. Most notably, the legislature introduced an exemption from merger control for certain hospital mergers into the German Competition Act (*Gesetz gegen Wettbewerbsbeschränkungen* – GWB). Moreover, the Federal Ministry for Economic Affairs and Climate Action, as it was then still called under the previous government, drafted a legislative proposal aimed at reducing bureaucracy and simplifying procedures. At its core, the draft proposed changes to national merger control, including an increase in the turnover thresholds. However, due to the snap election in 2025, the proposal could not be debated by the federal parliament. At European level, the German federal government also proposed a merger control reform to strengthen competitiveness and legal certainty.
2. The digital economy remained a key focus for the Bundeskartellamt in 2024. It concluded its Facebook case, giving users better options when it comes to combining their data. Final decisions were also issued in several abuse control proceedings under Section 19a of the GWB. A current priority is the potential impact of AI, with the Bundeskartellamt increasingly monitoring risks of dependency and competition issues linked to big tech's dominance across the AI value chain.
3. The Bundeskartellamt continued its work in the energy sector. It conducted several proceedings against suppliers in the district heating sector for using price adjustment clauses. Furthermore, the Bundeskartellamt continuously monitored the formation of electricity prices and the output of power plants, particularly during periods of low renewable energy production. It also published the final report on the sector inquiry into the provision and marketing of public electric vehicle (EV) charging infrastructure.
4. Cartel enforcement has always been and will always be a top priority for the Bundeskartellamt. Merger control is also an area of particular importance, with the authority having carried out around 900 examinations in 2024, including several complex second-phase proceedings. With regard to abuse control the Bundeskartellamt is conducting abuse proceedings in the food sector against Coca-Cola.

1. Changes to competition laws and policies

1.1. Summary of new legal provisions of competition law and related legislation

1.1.1. Merger control in the hospital sector

5. The Hospital Care Improvement Act (*Krankenhausversorgungsverbesserungsgesetz* – KHVVG), which came into force on 12 December 2024, introduces changes to merger control for hospitals, among other things. The Act gives the German federal states (*Länder*) the power to exempt hospital mergers from merger control if they are deemed necessary to improve hospital care. This only applies to transactions that constitute a concentration of at least two hospitals across locations and that are completed by 31 December 2030. From 2031 onwards, hospital mergers will only be exempt from merger control if the stricter requirements previously applicable (under the adjusted Section 187(9) GWB) are met.

6. The health policy objective of the recent reform of the German hospital sector, which resulted in the passing of the KHVVVG, is to foster structural changes in the hospital landscape. By increasing concentration in the hospital sector and specialising the remaining hospitals as set out in the Act, the legislature aims to improve the quality and efficiency of health care provision. Compared with other countries, Germany's hospital system (which consists of around 1,800 hospitals) is resource-intensive, yet achieves only average results based on indicators that measure the quality of treatment.

7. During the drafting of the 10th amendment to the German Competition Act (GWB), which entered into force in January 2021, various options for merger control in the hospital sector had already been examined. As a result, Section 187(9) GWB – which had been applicable before the entry into force of the KHVVVG – defined several requirements under which hospital mergers could be exempted from merger control. However, experience in recent years suggests that the scope of this legal provision may be too narrow and that fulfilling the exemption requirements is still a complicated and lengthy process. The new procedure, which is now set out in detail in Section 187(10) GWB, is therefore intended to be streamlined so that the competent German *Länder* can make decisions more quickly. Accordingly, the parties to the concentration apply to the German state authorities responsible for hospital planning for written confirmation that the merger is necessary to improve hospital care. If the state authority grants confirmation and the transaction constitutes a concentration across locations, the merger can be completed. If the state authority refuses confirmation or does not reach a decision, the parties may notify the merger to the Bundeskartellamt no earlier than two months after submitting the application. This aims to avoid parallel proceedings. In order to consider the effects on competition in the decision-making process, the competent German state authority for hospital planning must consult the Bundeskartellamt before confirming the necessity of a merger for health policy reasons.

8. According to Section 187(10) sentence 6 GWB, the Federal Ministry for Economic Affairs and Climate Action¹ will report on its experience with the new legal provision by 2030 on the basis of an opinion from a national advisory body (i.e. the Monopolies Commission). This report can also be used by the legislature as a basis for deciding on the scope of merger control in the German hospital sector after 2030.

1.2. Other relevant measures, including new guidelines

1.2.1. German paper on modernising EU competition law

9. In December 2024, the federal government published a paper setting out Germany's proposals for the modernisation of EU competition law for the 2024-2029 term of the European Commission.² As part of his visit to Brussels following the formation of the new European Commission, the Federal Minister for Economic Affairs and Climate Action at the time, Robert Habeck, presented the paper to the Executive Vice-Presidents of the European Commission, Teresa Ribera Rodríguez and Stéphane Séjourné.

10. The German proposals are based on the consensus that improving the competitiveness of the European economy is the key task for the coming years. Effective competition is a prerequisite for competitiveness. Therefore, a stringent and modern

¹ With an organizational decree dated 6 May 2025 the Federal Chancellor renamed the ministry the Federal ministry of Economic Affairs and Energy.

² <https://www.bmwk.de/Redaktion/EN/Downloads/M-O/modernising-eu-competition-law-german-proposals.pdf>

competition law framework is required that effectively protects competition in the internal market, while at the same time enabling businesses in the EU to scale up and be successful on global markets.

11. According to the paper, reforming the EU merger control framework should be the priority: Given that the EU merger control framework has remained nearly unchanged for more than 20 years, yet both the internal market and the global economic situation have changed considerably in that time, the framework should be modernised. An update of the turnover thresholds is required in particular due to significantly increased price levels. Also, a new notification criterion based on the transaction's value should be considered to take account of the increased relevance of killer acquisitions. In addition to these jurisdictional issues in the EU Merger Regulation, the merger guidelines should consider the effects of mergers on competitiveness and resilience more comprehensively in order to be able to take the special economic or security characteristics of some sectors into account.

12. The paper also proposes assessing the extent to which the introduction of an annual monitoring fee for gatekeepers could contribute to effectively enforcing the Digital Markets Act in order to deliver concrete results for European businesses and end users. The adoption of a new competition tool is also recommended, which would allow the European Commission to impose remedial measures in sectors with severe structural competition problems. To give European firms additional space and legal certainty to cooperate and enhance research and innovation – in particular with regard to data and AI as well as sustainability – the paper argues for a re-assessment of the Horizontal Guidelines and the enforcement practice during the new Commission term.

13. With regard to all EU competition policy reform measures in the coming years, the German federal government takes the view that great emphasis should be placed on speeding up and simplifying competition proceedings in order to reduce the bureaucratic burden on companies and the European Commission.

1.2.2. Energy Monitoring Report 2024

14. In November 2024, the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway (*Bundesnetzagentur*) and the Bundeskartellamt published their joint annual monitoring report on developments in the German electricity and gas markets. While the report's data analyses primarily relate to 2023, they also reflect relevant developments in 2024. The report states, among other things, that despite the accelerated expansion of renewables, conventional generation capacity remains essential to safeguard a stable electricity supply, with a number of producers becoming increasingly indispensable for meeting electricity demand. Furthermore, the report shows that market concentration in parts of the gas sector is still very high despite larger shifts in the markets. The availability of storage capacity for market players is currently the most important parameter for analysing market power.³

³ Bundeskartellamt, press release of 27 November 2024, available [here](#). Full report available [here](#) [in German only].

1.3. Government proposals for new legislation

1.3.1. Open consultation and reform process

15. In order to update its competition policy agenda and to determine the need for legal amendments, the Federal Ministry for Economic Affairs and Climate Action launched a public consultation and reform process on German competition law in November 2023. The consultation addressed topics such as merger control, the instrument of ministerial authorisation in merger cases, sustainability, the enforcement of consumer protection law, and private enforcement. After analysing the responses received from all stakeholders (including affected organisations, companies and trade associations, academia and interested citizens), the Federal Ministry for Economic Affairs and Climate Action drafted a proposal for a package of measures to amend German competition law. These measures were intended in particular to reduce bureaucracy and simplify and speed up procedures.

16. The legislative proposal aimed to adapt the scope of merger control to focus more on relevant mergers: First, the turnover thresholds were to be increased to reduce the number of notifiable mergers and the associated burden on companies and the Bundeskartellamt, while ensuring that larger transactions could still be reviewed. Second, the scope of the transaction value threshold was to be extended in order to better capture killer acquisitions. Other proposed measures included simplifying the exemption conditions and increasing legal certainty for cooperation between companies on environmental issues in purely national cases, strengthening the judicial review of the ministerial authorisation procedure, and speeding up cartel damage proceedings. The Bundeskartellamt was also supposed to be given additional enforcement powers in certain cases of breaches of consumer rights.

17. Due to the snap election in 2025 and the shorter legislative period, the proposal could not be debated and adopted by the federal parliament. However, as the legislative proposal has already been finalised, the new federal government and the newly constituted federal parliament have the opportunity to decide which elements should be pursued further, which should be dropped, and which legal amendments should be passed immediately.

2. Enforcement of competition laws and policies

2.1. Action against anti-competitive practices, including agreements and abuses of dominant position

2.1.1. Summary of the Bundeskartellamt's activities

Agreements

18. In 2024, the Bundeskartellamt imposed fines amounting to approximately 26 million euros on three companies and one individual for illegal cartel agreements. The sectors affected included protective clothing, broadband devices, and construction services.

19. The Bundeskartellamt carried out a total of 11 dawn raids, including three in support of other authorities. 17 companies made use of the Bundeskartellamt's leniency programme to report infringements in their sector. Many more tip-offs were received from alternative sources, especially via the external reporting unit launched under the Whistleblower Protection Act, which offers strong protection to informants. The

Bundeskartellamt continues to refine its investigative tools, increasingly relying on software-based market screening and plans to enhance detection through AI technologies.

Unilateral conduct

20. In 2024, the Bundeskartellamt focused its abuse control efforts on key sectors such as energy, food retail, and digital markets. A significant number of proceedings were initiated in connection with energy price relief measures, targeting potential misuse of state support. In total, 13 new proceedings were launched, bringing the total number of cases initiated since May 2023 to 70. Of these, 33 were against natural gas suppliers, 17 against heat suppliers, and 20 against electricity providers. The aim is to ensure that relief payments are not claimed unlawfully.

21. In the district heating sector, the Bundeskartellamt conducted several proceedings against suppliers for using price adjustment clauses. Furthermore, the Bundeskartellamt continuously monitored the formation of electricity prices and the output of power plants, particularly during periods of low renewable energy production. These measures are intended to detect any potential manipulation, ensure transparency, and overall protect consumers from excessive pricing, particularly in times of volatile energy markets.

22. In the food sector, the abuse proceedings against Coca-Cola continued, focusing on the company's rebate structures and contractual conditions offered to German food retailers. A separate case was opened against EDEKA due to demands linked to the introduction of the PAYBACK loyalty programme.

23. The digital economy remained a key focus in 2024. The Bundeskartellamt concluded its case against Meta, giving Facebook users better options when it comes to combining their data. Final decisions were also issued in abuse control proceedings against Amazon, Google, Meta and Microsoft under Section 19a GWB.⁴ The Apple case is still pending.

2.1.2. Summary of activities of the courts

24. In 2024, the courts concluded several proceedings relating to appeals against decisions issued by the Bundeskartellamt. In several private competition law enforcement cases, the courts referred to the Bundeskartellamt as an *amicus curiae* based on Section 90(2) GWB to inform their decisions on matters of overarching public importance. The following cases illustrate some of the key decisions issued by the courts in appeal proceedings and private litigation cases relating to specific areas of activity.

Cartels

ASG 2

25. In January 2025, the European Court of Justice issued a preliminary ruling on several questions relating to assignment models for the bundling of cartel damages claims. The claimant, a 'provider of legal services' under the German Act on Out-of-Court Legal Services (*Rechtsdienstleistungsgesetz* – RDG), had sought consolidated compensation for the harm caused by a cartel concerning unwrought coniferous timber ("*Rundholzkartell*") after the sawmills concerned had assigned their rights to compensation to the claimant. The court held that, in stand-alone competition actions, no one harmed by a cartel may under any circumstances be prevented from transferring their claims to a legal services

⁴ See, for example, the list of proceedings against large digital companies, available [here](#).

provider to bundle claims for damages. The court deemed restrictions in this regard to be incompatible with EU law in instances where national law did not provide effective alternative means of collective redress and where the conditions for bringing an individual action laid down by national law made it impossible or excessively difficult to assert the right to compensation. However, these findings are subject to the applicable national provisions governing the activities of such collection services providers in order to protect the interests of individuals.

Limitation periods relating to bid-rigging agreements

26. In its decision of 17 September 2024, the Federal Court of Justice (BGH) annulled the Düsseldorf Higher Regional Court's judgment of 11 November 2022 in the appeal proceedings concerning fines imposed by the Bundeskartellamt in its decision of 5 December 2019 against several providers of technical building services for power plants due to bid-rigging agreements. The BGH's interpretation of the limitation period for prosecuting such offences was central to its ruling. Unlike the Düsseldorf Higher Regional Court, which had acknowledged violations of competition law but dismissed some of the charges due to the limitation period having expired, the BGH held that, according to its established case law, the limitation period in such cases does not begin before a final invoice has been prepared. These principles of German law which govern the limitation periods relating to bid-rigging agreements comply with EU law as neither Regulation (EC) 1/2003 nor Directive (EU) 2019/1 requires the respective procedural provisions of the member states to be harmonised. In particular, these legal standards adhere to the principle of effectiveness as the application of the national procedural provisions may result in the limitation period expiring at a later point in time, but not at an earlier one.

Assessing the amount of the fine for anti-competitive agreements

27. In its judgment of 5 March 2025 – still unissued at the time of writing – the Düsseldorf Higher Regional Court imposed a fine of 30 million euros on five aluminum forging companies previously fined by the Bundeskartellamt in its decision of 21 December 2020 for participating in anti-competitive agreements. When setting the penalty, the court opted for the lower end of the applicable range. It justified this by emphasising that the communications between the parties were often not very specific and that the pricing discussions concerned only a small proportion of the overall costs. Consequently, despite the fact that a significant share of the turnover was affected by the cartel, the court assessed the potential for unlawful profits and market harm to be relatively low. It nevertheless acknowledged that the total turnover relating to the infringements exceeded one billion euros and that the group generates approximately 3.4 billion euros in annual revenue, a figure which it considered to be substantial.

2.1.3. Unilateral conduct

Temporary relief granted in feeder flight access dispute

28. In its decision of 10 May 2024, the Düsseldorf Higher Regional Court granted Lufthansa's request for temporary relief after the company appealed the Bundeskartellamt's decision of 29 August 2022 ordering Lufthansa to give its long-haul flight competitor, Condor, access to certain feeder flights to major German hubs. The relief was sought on several grounds, including claims of alleged irregularities in the Bundeskartellamt's proceedings. In its ruling, the court confirmed that there were sufficient grounds to suspect undue influence in the Bundeskartellamt's decision-making process, partially due to the Bundeskartellamt having had prior contact with the Federal Ministry

for Economic Affairs before the proceedings were initiated. Although the Bundeskartellamt may in principle discuss matters with political representatives at that point in time, the court emphasised that any such discussions must be fully documented and disclosed to all the parties involved before the proceedings are concluded. The court pointed out that Lufthansa had only been given a shortened version of the memorandum of these talks when requesting access to the authority's files. The fact that the parties were eventually granted sufficient access to the court files did not rectify these procedural irregularities.

Access to raw data

29. In its decision of 23 April 2024, the BGH dismissed Amazon's appeal against the Bundeskartellamt's decision of 5 July 2022, which determined that the company was of paramount significance for competition across markets according to Section 19a(1) GWB. The court ruled that the fact that the appellants were not given access to the raw data obtained by the Bundeskartellamt from retailers asked to provide information did not result in procedural irregularities. Although the names of the retailers providing information were redacted, the court acknowledged concerns that the appellants might be able to identify the participating retailers based on the data available. Emphasising the public interest in protecting third-party retailers, the court concluded that anonymising and randomising their responses was justified. By randomising the order of the responses, the Bundeskartellamt could redact less information as this prevented the identification of individual retailers' answers. In a subsequent ruling issued on 18 March 2025, the court reaffirmed these principles in relation to Apple, further solidifying its stance on the protection of third-party retailers and the procedural accuracy of the Bundeskartellamt's approach.

Disclosure of business secrets for the purpose of an investigation

30. In its decision of 20 February 2024, the BGH addressed the issue of disclosing business secrets for the purpose of an investigation. This followed Google's appeal against the Bundeskartellamt's decision to disclose the statement of objections issued in the Bundeskartellamt's proceedings under Section 19a(2) GWB. These proceedings involved prohibiting certain practices in connection with Google Automotive Services (GAS) based on the Bundeskartellamt's final decision of 30 December 2021 which determined that Google was of paramount significance for competition across markets according to Section 19a(1) GWB. In its appeal Google argued that the statement of objections contained confidential information and should therefore not be disclosed to the third parties admitted to the proceedings. In its ruling the BGH merely prohibited the disclosure of a direct quote from Google's documents, dismissing the company's other objections. It held that there were unwritten rules granting the disclosure of information and restricting the protection of secrets under Section 30 of the Administrative Procedure Act (*Verwaltungsverfahrensgesetz – VwVfG*) and Section 56(4) GWB. It argued that such disclosure was warranted, particularly when the interest in protecting business secrets was considered less important than other overriding interests. In weighing up these interests, the court recognised the paramount importance of antitrust proceedings under Section 19a GWB. Therefore, the BGH deemed it acceptable to disclose GAS license agreements as this would enable the third parties admitted to the proceedings to provide specific insights into the impact of the provisions and facilitate the advancement of the proceedings. Additionally, the court allowed the paraphrasing of confidential contractual clauses, provided that this was necessary for the purposes of the inquiry. It further stated that certain information, particularly that relating to the violations to be addressed in the proceedings, was less worthy of protection.

Contractual prohibitions of competition

31. In its decision of 28 August 2024, the Düsseldorf Higher Regional Court assessed the Bundeskartellamt's decision of 31 May 2022, in which it concluded that the non-compete clauses used in exclusive purchasing agreements by a distributor of motor-powered devices for sectors such as forestry, landscaping and gardening were illegal. The Bundeskartellamt reached this conclusion after the distributor decided to no longer apply the relevant contractual provisions and subsequently abandoned its distribution concept. The Düsseldorf Higher Regional Court disagreed with the Bundeskartellamt's reasoning, stating that the Bundeskartellamt's justification did not support the conclusion that the non-compete clauses exceeding two years resulted in an appreciable restriction of competition. The court held that the clauses in question had, at most, only significantly affected the market entry of third parties in the chainsaw and drilling device markets. In these markets the appellants had market shares above the threshold under Section 18(4) GWB, which establishes a rebuttable presumption of market power. Additionally, the extent of tying-in (that is the proportion of sales outlets tied by distribution agreements in the market) was above 30 per cent. Nevertheless, the court ruled that the non-compete clauses did not have to be limited to a two-year term. It found that there were no other significant barriers to market entry beyond the clauses themselves. Moreover, the court concluded that at least the relevant markets for rechargeable battery-powered devices were not saturated, noting that there was considerable growth potential.

Remuneration for value-added services

32. In a summary proceeding, the BGH found that the Bundeskartellamt had to properly establish the relevant factors for evaluating prices and could not apply the European Court of Justice's Long Run Average Incremental Costs (LRAIC) standard indiscriminately. This decision issued on 12 November 2024 followed the Bundeskartellamt's decision of 26 June 2023 that the railway company Deutsche Bahn had abused its market power by setting inadequate commission fees for mobility platform providers. The Bundeskartellamt had instructed the company to set commission fees that did not fall below LRAIC. In its ruling, the BGH clarified that although the case law of the European Court of Justice applies when a dominant undertaking abuses its market power by setting excessively low prices for its own goods and services, this case was different. The court emphasised that, in this instance, the dominant undertaking acted as a customer of distribution services. Furthermore, the court explained that when a dominant undertaking only partially obtains certain services from third-party providers, it only saves on variable costs as it still has to maintain the infrastructure necessary for providing its own services. Finally, the court held that the Bundeskartellamt was not permitted to exercise discretion in determining the amount of adequate minimum remuneration.

2.1.4. Description of significant cases, including those with international implications

Agreements

Protective clothing⁵

33. In March 2024, the Bundeskartellamt fined Pfanner Schutzbekleidung GmbH, Austria, 783,900 euros for vertical price-fixing. Between 2016 and late 2021, Pfanner restricted resellers in Germany from undercutting its recommended resale prices for functional and protective clothing. The investigation was triggered by a reseller's disclosure and was conducted using the new powers under Section 82b GWB, with support from the Austrian Federal Competition Authority. The fine reflects Pfanner's full cooperation and willingness to settle. No resellers were prosecuted.

Reusable tray system in plant trade⁶

34. The Bundeskartellamt raised no competition concerns regarding a planned reusable tray system by Euro Plant Tray eG, a cooperative of various European plant producers and traders. The system aims to replace single-use plastic trays used for transporting plants in the B2B sector. The Bundeskartellamt welcomed the initiative's sustainability goals and found the cooperation compliant with competition law, as participation remains voluntary, open to all market participants, and sensitive data are handled by a neutral third party.

Automotive industry⁷

35. In June 2024, the Bundeskartellamt tolerated the launch of the "Automotive Licensing Negotiation Group" (ALNG), a cooperation between BMW, Mercedes-Benz, Thyssenkrupp and VW to jointly negotiate licences for standard essential patents (SEPs). The initiative remains open to other automotive companies. The project was accepted under the condition that participation remains voluntary, standards unrelated to the automotive industry are set as targets, and the exchange of competitively sensitive information is strictly limited. The ALNG must also remain open to suppliers from the automotive industry and notify any expansion into automotive-specific technologies in advance.

Broadband devices⁸

36. In July 2024, the Bundeskartellamt imposed fines totalling nearly 16 million euros on AVM Computersysteme Vertriebs GmbH and one employee for engaging in vertical price fixing with six electronics retailers. AVM coordinated end consumer prices for products under its "FRITZ!" brand, aiming to restrict price competition. The conduct included setting target prices, monitoring sales prices using specialised software, and pressuring retailers to raise their prices. The case was triggered by anonymous tips and a dawn raid in 2022.

⁵ See press release of 13 March 2024, available [here](#).

⁶ See press release of 8 May 2024, available [here](#).

⁷ See press release of 10 June 2024, available [here](#).

⁸ See press release of 2 July 2024, available [here](#).

Copper production⁹

37. In August 2024, Aurubis AG and Wieland Werke AG adjusted their cooperation in the joint venture Schwermetall Halbzeugwerk GmbH & Co. KG. The Bundeskartellamt examined clauses that allowed both partners to influence Schwermetall's product mix and customer portfolio, potentially restricting competition in the pre-rolled copper strip market. The companies removed these clauses and committed not to influence Schwermetall's supply decisions. Schwermetall is now free to supply any alloy to both partners and third parties independently.

Construction services¹⁰

38. In November 2024, Strabag AG was fined 2.79 million euros for collusion in a 2017 tender for Cologne's Zoobrücke bridge. Together with Kemna Bau Andreae GmbH & Co. KG, Strabag arranged a cover bid to secure the contract, with Kemna receiving compensation. The Bundeskartellamt, supported by Cologne authorities, uncovered the offence following a tip-off from a whistleblower. The case highlights the significant damage caused by bid rigging in public procurement. Kemna was granted leniency for its cooperation; Strabag settled.

Advertisement

39. The Bundeskartellamt had no objections to Heinrich Bauer Verlag KG and AdAlliance GmbH jointly marketing advertising space in certain Bauer magazines (e.g. *Cosmopolitan*, *Wohnidee*, *Lecker*). Despite their significant market shares in certain advertising markets, surveys showed that advertisers did not expect any negative impact. However, due to competition concerns, major changes to the cooperation agreement were required, *for example with regard to Bauer's right to set prices and the exchange of information between the parties*. The Bundeskartellamt will continue to monitor the cooperation and may intervene if competition concerns arise.¹¹

40. In December 2024, the Bundeskartellamt rejected RTL's plan to market RTL2's TV advertising space, citing serious competition concerns. Despite changes to the proposal, it was concluded that such a cooperation between such close competitors would likely lead to higher ad prices. Linear TV remains dominant in video advertising, and new digital players such as Netflix or YouTube do not yet exert enough pressure. The project offers no sufficient benefits to justify an exemption from antitrust rules.¹²

Football

41. The Bundeskartellamt tolerated the DFL's planned model for selling Bundesliga media rights from the 2025/26 season onwards. While the "no-single-buyer" rule was dropped due to increased competition from players like DAZN and Amazon, key safeguards remain in place. These include mandatory highlights coverage on free-to-air TV and auction structures designed to give smaller bidders a fair chance. The rights are sold for a limited period, allowing future reassessment under evolving legal standards.¹³

⁹ See press release of 30 August 2024, available [here](#).

¹⁰ See press release of 6 November 2024, available [here](#).

¹¹ See press release of 11 November 2024, available [here](#).

¹² See press release of 18 December 2024, available [here](#).

¹³ See press release of 26 February 2024, available [here](#).

42. In February 2024, the Bundeskartellamt updated the parties on the current status of its assessment of the 50+1 rule under competition law.¹⁴ Following recent European Court of Justice rulings on the relationship between sports rules and competition law, the Bundeskartellamt has no fundamental concerns about the basic 50+1 rule. The Bundeskartellamt will, however, examine the licencing practice of Deutsche Fußball Liga (DFL) more closely.¹⁵

Unilateral conduct

*Railway sector*¹⁶

43. In August 2024, Deutsche Bahn AG (DB) concluded initial agreements with mobility platforms, granting them access to real-time passenger rail data under the conditions set by the Bundeskartellamt. The platforms now receive information on delays, train cancellations, platform changes, and major disruptions, for example. This further implements the Bundeskartellamt's former ruling from June 2023, which found DB to have abused its market power by restricting access to such data. DB had already removed several anti-competitive practices from its agreements, including advertising bans and limitations on customer discounts. Although DB appealed the decision, the Düsseldorf Higher Regional Court rejected large parts of the request for interim relief. The main proceedings are ongoing.

*Vehicles*¹⁷

44. In September 2024, the Bundeskartellamt discontinued its abuse proceeding against Robert Bosch GmbH concerning access to Bosch's e-bike system for anti-lock braking system (ABS) providers. The case was based on a complaint filed in Italy by Milan-based ABS supplier Blubrake, which claimed that Bosch had hindered the integration of its ABS by withholding access to power supply and technical specifications. While the Bundeskartellamt initiated its own proceeding in September 2023, it closed the case after Bosch agreed to grant ABS providers access to its e-bike system across the European Economic Area as part of a settlement with the Italian competition authority AGCM in August 2024. Since no Germany-based ABS suppliers are currently affected, the Bundeskartellamt saw no further need for intervention.

*Section 19a GWB proceedings against Microsoft*¹⁸

45. In September 2024, the Bundeskartellamt determined that Microsoft Corporation was an undertaking of paramount significance for competition across markets. As such, Microsoft and its subsidiaries are thus subject to extended abuse control under Section 19a GWB. Microsoft's products are the market standard in central application areas for business, administrative, and private users in Germany, Europe and beyond. The company also has a strong position in artificial intelligence, particularly through the integration of its AI assistant Copilot and its cooperation with OpenAI. Due to its extensive IT infrastructure, third-party developers are often dependent on compatibility with the Microsoft ecosystem,

¹⁴ See press release of 6 February 2024, available [here](#).

¹⁵ See press release of 29 May 2024, available [here](#).

¹⁶ See press release of 15 August 2024, available [here](#).

¹⁷ See press release of 12 September 2024, available [here](#).

¹⁸ See press release of 10 October 2024, available [here](#).

while Microsoft simultaneously competes with them. The decision is valid for five years. So far, no proceedings under Section 19a(2) GWB concerning individual practices have been initiated.

Section 19 GWB proceeding against Facebook¹⁹

46. In October 2024, the Bundeskartellamt concluded its proceeding against Meta Platforms (formerly Facebook). The result is a package of measures that gives Facebook users significantly improved options to control how their data are combined. In 2019, the authority had prohibited Meta from combining user data from different sources without consent. Meta appealed, but following rulings by the BGH (2020) and the European Court of Justice (2023) in support of the Bundeskartellamt's position, Meta agreed to implement measures and withdrew its appeal. The decision is now final. Key measures include the Accounts Centre for managing data sharing between Meta services, new "cookie" settings to control data use from third-party websites and apps, and improved user information. Some data may still be combined temporarily for security purposes. While not all concerns have been resolved, the Bundeskartellamt considers the measures sufficient to close the case. Further enforcement action may be pursued by other authorities under the DMA, GDPR, or consumer protection law.

3. Mergers and acquisitions

3.1. Statistics on number, size and type of mergers notified and/or controlled under competition law

47. In 2024, the Bundeskartellamt examined 870 merger projects. Ten of these mergers were closely examined in second-phase proceedings. The takeover of University Hospital Mannheim by Heidelberg University Hospital was prohibited. Four transactions were withdrawn, three mergers were cleared and two merger proceedings were still ongoing as at 31 December 2024.

3.2. Summary of significant cases conducted by the Bundeskartellamt

48. The list of cases described below is not an exhaustive list of merger proceedings conducted by the Bundeskartellamt in the period covered by this report, but rather focuses on cases that were subject to an in-depth investigation in second-phase proceedings and concluded as at 31 December 2024.

3.2.1. Clearances

*Thermo Fisher Scientific/Olink Holding*²⁰

49. In June 2024, the Bundeskartellamt cleared the acquisition of Olink Holding AB, Sweden, by Thermo Fisher Scientific Inc., USA. Thermo Fisher is a global supplier of research equipment in the life sciences sector, while Olink offers assays and services in the field of proteomics. The review focused on whether the combination of complementary

¹⁹ See press release of 10 October 2024, available [here](#).

²⁰ See press release of 17 June 2024, available [here](#).

technologies – Olink’s high-plex protein analysis platform and Thermo Fisher’s high-resolution mass spectrometers – could lead to market foreclosure or bundling effects. However, the Bundeskartellamt found that the products were intended for different use cases, customer overlap was limited, and bundling was unlikely due to technical and commercial differences. Given sufficient alternative suppliers and ongoing innovation in the market, the merger was not expected to significantly impede competition. The transaction was reviewed under the German transaction value threshold due to the high purchase price.

Schüco/GEST²¹

50. In November 2024, the Bundeskartellamt cleared Schüco International KG’s acquisition of a 49 per cent stake in GEST – Holding Gesellschaft m.b.H., the parent company of Stemeseder. Schüco develops and sells aluminium, steel and PVC building systems. Stemeseder offers aluminium profiles for wood-aluminium and PVC-aluminium hybrid windows and aluminium doors. The Bundeskartellamt’s investigation included surveys of over 200 customers and around 60 competitors in Germany and abroad. It found Schüco to be dominant in Germany-wide markets for aluminium building systems and in possible relevant submarkets for window, door and façade systems, based on high market shares, a broad product portfolio, strong customer ties and significant financial strength. However, Stemeseder has no major activities in aluminium-only systems, and the merger leads to only minor overlaps. Therefore, the Bundeskartellamt concluded that the acquisition would neither significantly strengthen Schüco’s market position nor impede effective competition.

KME/Sundwiger Messingwerk²²

51. In December 2024, the Bundeskartellamt cleared the planned acquisition of Sundwiger Messingwerk GmbH, Hemer, by KME SE, Osnabrück. Both companies manufacture semi-finished copper and copper alloy products. KME is a leading supplier of rolled copper products in the EEA, while Sundwiger focuses on bronze strips and high-performance alloys. The merger will slightly strengthen KME’s position in the bronze segment, which is already concentrated. However, this area accounts for only a small share of total rolled copper product sales. Following in-depth investigations, the Bundeskartellamt concluded that the competitive effects were not sufficient to prohibit the transaction.

3.2.2. Prohibitions

Heidelberg University Hospital/University Hospital Mannheim²³

52. Following an in-depth examination, the Bundeskartellamt prohibited Heidelberg University Hospital’s planned acquisition of a majority stake in University Hospital Mannheim in July 2024. The merger was found to significantly impede competition in Heidelberg, Mannheim and Heppenheim, where both hospitals are key providers of acute inpatient services. The merged entity would have had a dominant position in several markets, limiting patients’ and physicians’ choice. Claimed efficiency gains, such as improved quality through higher case volumes, were not sufficient to outweigh the

²¹ See press release of 29 November 2024, available [here](#).

²² See press release of 3 December 2024, available [here](#).

²³ See press release of 26 July 2024, available [here](#).

competitive concerns. The Bundeskartellamt found that these benefits could also be achieved through cooperation without merging.²⁴

3.2.3. *Withdrawals*

*Manufacturing of window coverings*²⁵

53. Hunter Douglas GmbH withdrew its notification to acquire erfal GmbH & Co. KG due to competition concerns raised by the Bundeskartellamt. The target company manufactures insect screens and interior/exterior window coverings. Hunter Douglas, a global manufacturer of systems used to produce interior window coverings, proposed a vertical integration strategy involving the acquisition of a major customer. The Bundeskartellamt's investigation revealed a risk that the merger would significantly restrict competition by enabling Hunter Douglas to disadvantage competing customers. Most market participants expressed strong concerns. A proposed commitment to mitigate the Bundeskartellamt's concerns was withdrawn by Hunter Douglas at the end of March 2024.

*Crash test dummy industry*²⁶

54. In July 2024, Ansys Inc., USA, withdrew its notification of the acquisition of a minority shareholding of just under 35 per cent in Safe Parent Inc., USA (known under the "Humanetics" brand), following competition concerns raised by the Bundeskartellamt. Ansys supplies simulation software for crash testing, while Humanetics provides physical and virtual crash test dummies. The investigation revealed that both companies have dominant positions in their respective fields and that even a minority shareholding would have significantly impeded competition, especially in the area of virtual crash test dummies. The Bundeskartellamt found that the merger would have strengthened the parties' market dominance and increased the risk of them employing joint foreclosure strategies. The second-phase investigation included surveys of customers and competitors as well as a review of internal documents. The notification was withdrawn before a formal decision was issued.

*TV sector*²⁷

55. After the Bundeskartellamt had informed RTL and Paramount of its intention to prohibit the proposed merger of the children's TV channels Super RTL and Nickelodeon, the parties withdrew their notification in September 2024. The Bundeskartellamt defined a separate market for advertising targeted at children aged 3 to 13, noting that only a few providers, primarily RTL with its Super RTL and TOGGO brands, offer such advertising space. Public broadcaster KiKA does not show advertising, and streaming or social media platforms such as Netflix, TikTok, or Snapchat are currently not relevant in this market due to their design or age restrictions. Super RTL was identified as the dominant provider, significantly ahead of Disney and Nickelodeon. The merger would have further strengthened RTL's position. The Commission on Concentration in the Media (KEK) was also consulted and shared the Bundeskartellamt's competition concerns.

²⁴ Following the KHVVG the Land Baden- Württemberg approved the merger of the university hospitals in Mannheim and Heidelberg in May 2025.

²⁵ See press release of 12 April 2024, available [here](#).

²⁶ See press release of 23 July 2024, available [here](#).

²⁷ See press release of 17 September 2024, available [here](#).

3.3. Summary of activities of the courts

3.3.1. *Standard of review*

56. In its decision of 28 May 2024, the BGH dismissed an appeal relating to the Bundeskartellamt's conditional clearance of the proposed strategic connection between E.ON subsidiary Westenergie and RheinEnergie in the energy sector. Following second-phase merger control proceedings, the Bundeskartellamt approved the transaction on 30 September 2022 on condition that the parties fulfil certain obligations, including the sale of a significant part of RheinEnergie's heating electricity business to a single independent acquirer.²⁸ The BGH clarified that judicial review of such decisions was limited to instances where it was conceivable that the appellant's substantive or formal rights had been infringed. The court held that in the present case only the impact on the electricity markets for heating could be reviewed as the Bundeskartellamt's conditions did not affect the appellant in the markets for charging station electricity. Furthermore, the court clarified that, even in cases involving merely a minor market share increase, it was still conceivable that the concentration could impede effective competition.

3.3.2. *Subsequent declaration on illegality of an administrative act*

57. In its decision of 18 December 2024, the BGH addressed an appeal concerning a merger control case in the newspaper sector. The appeal followed the Bundeskartellamt's initial decision of 28 September 2021 prohibiting Funke Mediengruppe's plans to acquire Rheinisch-Westfälische Verlagsgesellschaft's shares in Ostthüringer Zeitung, thereby gaining sole control of the newspaper. The appeal had been filed despite the fact that the merger had later been cleared after the parties had fulfilled certain conditions.²⁹ In their appeal, the parties sought a declaration that the Bundeskartellamt's decision had been unlawful. The BGH refused to grant leave to appeal the Düsseldorf Higher Regional Court's decision that dismissed the parties' claim as inadmissible. The BGH clarified that, in general, the parties may have a justified interest (Section 76(2) sentence 2 GWB) in declaring a previously settled administrative act illegal if doing so could help to finally clarify a preliminary question possibly relevant to other legal proceedings. However, in its view, it is not sufficient that a certain rationale behind the previously settled prohibition decision might be relevant to other legal proceedings.

3.3.3. *Consideration of commitments in antitrust proceedings*

58. In its decision of 25 February 2025, the BGH established that the commitments made by Telekom and EWE in antitrust proceedings and declared binding by the Bundeskartellamt under Section 32b(1) GWB in December 2019/30 had to be taken into consideration when reviewing the merger project under Section 36 GWB. The court emphasised that the question whether commitments under Section 32b GWB may be considered within merger control proceedings despite potentially being impermissible under Section 40(3) sentence 2 GWB depends on the specific content of those commitments. In the case at hand, the BGH pointed out that there may not always be sufficient incentives to develop fibre-optic networks and that it was unclear whether the network would have been developed to the same extent without the joint venture. Moreover, as the Bundeskartellamt had only temporarily declared not to exercise its powers

²⁸ See press release of 30 September 2022, available [here](#).

²⁹ See press release of 29 March 2022, available [here](#).

³⁰ See press release of 5 December 2019, available [here](#).

in antitrust proceedings (Section 32b(1) sentence 3 GWB), there was no risk of causing an irreversible decline in competition.

3.3.4. Transaction value threshold (Section 35(1a) GWB)

59. In its decisions of 26 February 2025, the Düsseldorf Higher Regional Court addressed two merger control cases concerning the acquisition of software companies by Adobe. The court concluded that the Bundeskartellamt had incorrectly assumed that the mergers had to be notified. It stated that in cases where the second turnover threshold under Section 35(1) no. 2 GWB was not reached, the target company was not deemed to have substantial domestic operations under Section 35(1a) no. 4 GWB. However, the court clarified that this conclusion only applied if the target company's turnover accurately reflected its market position and its competitive potential. In the case at hand, the court found no sufficient indications to suggest that the turnover generated by the two target companies in Germany did not accurately reflect their market position and competitive potential. It noted that they were already active in mature markets and offered their products for remuneration, factors supporting the conclusion that their turnover was a reliable indicator. As a result, the court concluded that the target companies had not exceeded the turnover thresholds and therefore the mergers had not been subject to notification. The Bundeskartellamt is seeking leave from the BGH to appeal the decisions.

60. In April 2025, the BGH held a hearing on a case concerning an acquisition by Meta and the application of the same provision of German merger control law. A ruling on the case is scheduled for 17 June 2025, which is expected to provide the first top-level guidance on the scope of the transaction value threshold.

4. Cooperation in international forums and conferences

4.1. G7 Digital Competition Summit

61. At the two-day G7 Joint Competition Policy Makers & Enforcers Summit in October 2024, representatives of the G7 member states (Canada, France, Germany, Italy, Japan, the UK and the USA) and the European Commission continued the established G7 practice of sharing knowledge and experiences regarding competition issues in the digital economy.³¹

62. In a joint statement published at the G7 Joint Competition Policy Makers & Enforcers Summit, the competition authorities of the G7 member states, the European Commission and policy makers discussed competition concerns raised by artificial intelligence. The statement outlines a set of guiding principles to help ensure that societies can reap the benefits of AI. These include fair competition, open access to markets and sufficient choice options. The statement also illustrates the important role of competition authorities and policymakers as well as the importance of international and interdisciplinary exchange. At the G7 competition summit, participants shared their experiences as competition enforcers and discussed competition policy and regulatory

³¹ See, for example, press release of 4 October 2024, available [here](#).

issues. The discussion was based on a paper prepared by the participating authorities in a joint working group.³²

4.2. International Competition Network (ICN)

63. The ICN is the most important network of competition authorities worldwide. It comprises more than 140 competition agencies from more than 129 jurisdictions. Andreas Mundt, President of the Bundeskartellamt, held the position of ICN Steering Group Chair from September 2013 until May 2025.

64. The Bundeskartellamt played an active role in all ICN Working Groups, taking part in several virtual seminars and workshops. Furthermore, the Bundeskartellamt actively participated in the 23rd ICN Annual Conference held in Sauipe, Brazil, from 14 to 17 May 2024. The Annual Conference provides an opportunity for members and other stakeholders to have in-depth discussions about existing work products and future topics. Delegates from more than 80 jurisdictions, including representatives and stakeholders from the business community, legal and economic professionals, international organisations and academics, attended the conference in 2024.

65. The 24th ICN Annual Conference was hosted by the UK Competition Authority in Edinburgh in May 2025. Some of the topics discussed included the role of competition in boosting productivity, innovation and growth. Andreas Mundt opened the conference and participated in a panel discussing the role of competition in boosting productivity, innovation and growth. During the conference, Andreas Mundt, who had chaired the ICN Steering Group since 2013, handed over the ICN's leadership to the president of the Mexican competition authority, Andrea Marván.³³

4.3. European Competition Network (ECN)/European Competition Authorities (ECA)

66. In 2024, the EU's competition authorities continued their successful cooperation within the ECN.

67. By the end of 2024, the NCAs had initiated a total of 124 proceedings and notified 65 envisaged decisions in the network. Seven of these were new proceedings initiated by the Bundeskartellamt under Article 11(3) of Regulation 1/2003, and two envisaged decisions were submitted to the European Commission under Article 11(4) of Regulation 1/2003. Furthermore, the Bundeskartellamt exchanged confidential information with other competition authorities pursuant to Article 12 of Regulation 1/2003 in three cases during the year 2024.

68. The Bundeskartellamt participates regularly in the Advisory Committees on competition law proceedings and merger control cases of the European Commission in Brussels. An essential part of the ECN's joint work takes place in various ECN Working Groups (e.g. Cooperation Issues, Cartels, Article 101 TFEU, Article 102 TFEU, Chief Economists, Digital/DMA and Merger) and ECN sectoral subgroups, in which the Bundeskartellamt also participated regularly in 2024.

³² The paper is available [here](#).

³³ See press release of 9 May 2025, available [here](#).

4.4. Annual meeting of the Working Group on Competition Law

69. The Working Group on Competition Law consists of a large number of university professors from law and economics faculties, high-ranking representatives of national and European competition authorities and ministries, and judges from the antitrust divisions of the Düsseldorf Higher Regional Court and the BGH. They meet annually in Bonn at the invitation of the Bundeskartellamt to discuss fundamental issues in competition policy. On 26 September 2024, over 100 competition experts gathered to discuss and exchange views on the topic “National Abuse Control and Relative Market Power in the European Context”. A central focus of the discussion was the significance of stricter national abuse control laws in relation to EU law and whether it should remain possible for Member States to adopt stricter laws. In his opening remarks, Prof. Dr Wolfgang Kirchhoff, presiding judge at the Cartel Panel of the BGH, emphasised the importance of controlling relative market power in Germany, particularly through private antitrust enforcement, and pointed out the broad scope of Section 19a GWB alongside European law. Silke Hossenfelder, head of the Bundeskartellamt’s General Policy Division, moderated a panel featuring Prof. Dr Florian Bien (University of Würzburg) and Prof. Dr Oliver Budzinski (TU Ilmenau), who offered legal and economic insights into relative market power, while Prof. Dr Peter Picht (University of Zurich) provided an overview of the Swiss rules on relative market power. The meeting was concluded by Anna Vernet, Deputy Head of Unit at the European Commission, sharing the European Commission’s evaluation of Regulation 1/2003, followed by Prof. Dr Thomas Ackermann outlining a framework for its reform.

4.5. International Conference on Competition

70. The International Conference on Competition (IKK) is one of the most renowned international events on competition policy and competition law enforcement, bringing together competition experts from around the world every two years. In 2024, the 22nd edition of the IKK was held in Berlin from 28 February to 1 March 2024, with over 350 participants from more than 60 countries engaging in discussions on current issues in international competition law and competition policy. Following an opening session featuring speeches by various speakers, including Dr Marco Buschmann, Federal Minister of Justice, Sven Giegold, State Secretary at the Federal Ministry for Economic Affairs and Climate Action, and Margrethe Vestager, Executive Vice-President and European Commissioner for Competition, the event proceeded with six panel discussions covering topics such as “AI – Blessing or curse?”, “The Brandeisian ambitions – What’s here to last?” and “Merger control – Challenges and perspectives”. The next IKK is scheduled to take place from 11 to 13 March 2026.

5. The Bundeskartellamt's resources

5.1. Resources overall (current numbers and changes over previous year)

5.1.1. Annual budget

Budget 2024 ³⁴	Change over 2023
EUR 48.1 million / USD 52.06 million	+ EUR 13.1 million / USD 14.18 million

5.1.2. Number of employees

	2024*	Change over 2023
Economists	59.7	-0.8
Lawyers	102.2	- 5.2
Other experts	28.3	- 0.3
Support staff	209.7	- 12.5
Total	399.9	-18.8

*Full-time equivalents, number of staff members actually active, i.e. excluding seconded employees and unfilled vacancies, etc.

5.2. Period covered by the above information

71. The above information covers the period between 1 January and 31 December 2024.

6. Summaries or references to new reports and studies on competition policy issues

Christiansen, Arndt	Research handbook on global merger control [book review] In: European competition law review, 45 (2024), pp. 236–238
Christiansen, Arndt	The SIEC test in German merger control In: Wettbewerb, Recht und Wirtschaftspolitik: Festschrift für Wolfgang Kerber, 2024, pp. 159–178
Ewald, Christian	E-Ladeinfrastruktur: bestehende Wettbewerbsdefizite gezielt angehen In: Zeitschrift für das gesamte Recht der Energiewirtschaft, 13 (2024), pp. 385–386
Fabig, Tobias	Entscheidungsbesprechung ‚Google – Offenlegung‘ – BGH, Beschl. v. 20. 2. 2024 – KVB 69/23 In: Zeitschrift für Wettbewerbsrecht, 22 (2024), pp. 364–392.
Göbel, Martin	‚Gotta catch ‘em all?‘ Instrumente zum Aufgreifen von ‚Gap cases‘ in der formellen Fusionskontrolle In: Zeitschrift für Wettbewerbsrecht, 22 (2024), pp. 37–77
Hooghoff, Kai	Das Wettbewerbsregister und die Stärkung von Compliance in Unternehmen – eine erste Bilanz In: Neue Zeitschrift für Baurecht und Vergaberecht, 25 (2024), pp. 523–528
Käseberg, Thorsten	Wegweisendes aus Luxemburg und Brüssel, in: NZKart 2024, 525.
Mundt, Andreas	Entwicklungen in der deutschen Fusionskontrolle In: Müller-Stewens, Günter: Mergers & Acquisitions: Handbuch für Strategie, Consulting und Rechtsberatung, Schäffer-Poeschel, 2024, pp. 783–786
Mundt, Andreas	Erfolg der Wärmewende durch effektivere Preisaufsicht sichern In: Zeitschrift für das gesamte Recht der Energiewirtschaft, 13 (2024), pp. 289–290