

SLAUGHTER AND MAY/

# NAVIGATING THE NEW CARTEL ENFORCEMENT LANDSCAPE

September 2025



**CRISIS MANAGEMENT**  
Part of Horizon Scanning



In a fast-moving antitrust enforcement landscape, cartels remain at the top of the agenda for competition authorities

In this publication, we explore how cartel enforcement is evolving across the UK and EU – highlighting key recent trends, reforms and emerging areas of risk, and what they mean for businesses navigating this shifting landscape.

Authors



**TIM BLANCHARD**  
Partner  
T +44 (0)20 7090 3931  
E [tim.blanchard@slaughterandmay.com](mailto:tim.blanchard@slaughterandmay.com)



**JENNYFER MOREAU**  
Knowledge Lawyer  
T +44 (0)20 7090 4546  
E [jennyfer.moreau@slaughterandmay.com](mailto:jennyfer.moreau@slaughterandmay.com)

For further information, please speak to your usual Slaughter and May contact.

CONTENTS

NAVIGATING THE NEW CARTEL LANDSCAPE	3
RESTORING MOMENTUM IN CARTEL DETECTION	
Dawn raids	4
Enhanced investigative powers	5
Investigatory trends	6
EXPANDING THE BOUNDARIES OF ANTI-COMPETITIVE CONDUCT	
Labour markets	7
Information exchange and AI	8
SECTORS IN THE SPOTLIGHT	9
IMPLICATIONS FOR BUSINESS	10
OUR CARTELS EXPERIENCE	11

# NAVIGATING THE NEW CARTEL ENFORCEMENT LANDSCAPE

## Recent trends and emerging risks

### CARTEL ENFORCEMENT IS EVOLVING IN EUROPE

The European Commission (EC) is currently consulting on the future of Regulation 1/2003, setting the stage for a long-awaited overhaul of the EU's procedural framework for antitrust enforcement.

This move comes amid a broader shift in cartel enforcement strategy, as authorities across the UK and Europe deploy new search powers and advanced tools to detect anti-competitive behaviour – including the use of AI and sophisticated market scanning. They are also probing novel areas of conduct, establishing new precedent for anti-competitive collusion.





# RESTORING MOMENTUM IN CARTEL DETECTION

Dawn raids | Enhanced investigative powers | Investigatory trends

## Dawn raids are back – and here to stay.

The UK Competition and Markets Authority (CMA) and the EC, as well as national competition authorities in the EU, all continue to be highly active in carrying out unannounced inspections (“dawn raids”) in their respective jurisdictions.

The strong resurgence in dawn raids seen in the UK and in the EU since the end of the COVID-19 pandemic shows no sign of slowing. This surge in inspections has affected companies across a broad range of sectors, such as food and beverages, consumer goods, information and communication technology, financial services, pharmaceuticals, and construction, to name just a few.

This activity continues to come under challenge in the courts – with some recent successes for both defendants and the regulators.



## SUCCESSFUL CHALLENGES BY DEFENDANTS

In July 2025, the European General Court partially annulled a dawn raid at Michelin’s premises on the basis that the EC lacked sufficient evidence of price-fixing for part of the time period covered by its inspection decision – with the result that the EC could not use the information it had seized which related to that period (see Slide 8 for more details of the case).

In 2023, the European Court of Justice also dealt a serious blow to the EC by annulling its inspection decisions in the French supermarkets case, on the basis that the EC had failed to record adequately certain interviews it had conducted to collect information, and which had formed the basis for its decision to conduct the raids.

These judgments will likely push the EC to reinforce the way that it collects and records evidence when building its case for unannounced inspections, to avoid further scrutiny in the future.



## POSITIVE JUDGMENTS FOR REGULATORS

In April 2025, fragrance manufacturer Symrise failed in its attempt to overturn an inspection order issued by the EC, having argued it insufficiently detailed the suspected conduct and the nature of the investigation.

This follows an unsuccessful challenge by Chinese firm Nuctech in 2024, where the General Court affirmed the EC’s power to compel the production of documents stored on servers located in China during a raid on European premises – an important case on the extra-territorial reach of the EC’s raiding powers. Further challenges are currently pending before the EU courts.

In the UK, the CMA’s use of its inspection powers has also been subject to judicial scrutiny. In April 2024, the UK High Court ruled that the Competition Appeal Tribunal had “erred in law” when setting a different, higher legal standard for the CMA to exercise its powers to raid domestic premises, as compared to business premises. The judgment – covered in detail in a previous client briefing – was a significant victory for the CMA.



# RESTORING MOMENTUM IN CARTEL DETECTION

Dawn raids | **Enhanced investigative powers** | Investigatory trends

The uptick in dawn raids has been accompanied by recent reforms strengthening regulators' powers in many jurisdictions, increasing the prospects of successful raids – particularly when authorities are conducting inspections at employees' private homes, or when they are seizing devices and materials.

## UK REFORMS

In January this year, the Digital Markets, Competition and Consumers Act 2024 modernised the CMA's enforcement toolkit and significantly enhanced its inspections powers in antitrust cases.

In particular, the reforms gave the CMA the power to “seize and sift” material during dawn raids conducted at domestic premises (a power that the CMA previously held in respect of business premises only, which allows the CMA to remove material during a raid and review it for relevance later back at the CMA's offices).

The CMA's powers to require the production of electronic information and documents stored remotely have also been expressly clarified, alongside a new duty to preserve documents where a person knows or suspects that an investigation is, or is likely to be, carried out by the CMA. Increased penalties for failure to comply with the CMA's investigative measures (including during a dawn raid) were also included in the package of reforms.

“

**With the increase in remote-working – and electronic communication – it's essential that we are able to search domestic premises to secure evidence of potential breaches of competition law where appropriate to do so.**

Sarah Cardell, Chief Executive of the CMA



## EU DEVELOPMENTS

The EC recently launched a public consultation on proposed updates to its antitrust enforcement framework under Regulation 1/2003. The EC is consulting on policy options to modernise its inspection powers for the digital age. This includes creating new powers for the EC to inspect and seize documents remotely without entering physical premises, as well as the ability to order the preservation of electronic evidence and conduct compulsory interviews. Several EU Member States have also introduced similar national reforms in recent years.

---

**Recent case law from the EU courts has also contributed to enhancing the EC's existing investigative powers.**

In 2023, the European General Court affirmed in the *Meta* case the power of the EC to compel extensive document productions based on search terms, without the relevant company being able to screen searches for relevance before handing the documents over to the EC. The judgment is currently being appealed. In the meantime, we are increasingly seeing the EC requiring the disclosure of all documents responsive to a set of search terms in antitrust investigations, including those assessed by the company to be unrelated to the subject matter of the investigation.





# RESTORING MOMENTUM IN CARTEL DETECTION

Dawn raids | Enhanced investigative powers | **Investigatory trends**

## 01 CROSS-BORDER COOPERATION

The surge in dawn raids has also seen regulators increasingly coordinating their enforcement action with authorities in other jurisdictions. **Parallel inspections and information-sharing are increasingly becoming the norm.** For example, in recent years, coordinated dawn raids in the fragrances sector and construction chemicals sector were conducted by the EC and CMA, alongside raiding authorities in other EU Member States and (in the case of the construction chemicals dawn raids) the Turkish Competition Authority.

In 2024, the EC and the US Department of Justice jointly stated that they are intensifying their efforts to exchange investigative leads, as well as information obtained from cartel whistleblowers on both sides of the Atlantic. The UK and EU Competition Cooperation Agreement is also expected to be signed later this year. The agreement will enhance cooperation between the EC and the EU authorities on the one hand, and the CMA on the other, with a view to facilitating information-sharing and the coordination of enforcement activities.

## 02 EX OFFICIO INVESTIGATIONS

To address a sustained drop in leniency applications and whistleblowers over the years, authorities have explored other enforcement routes and invested in new methods and technologies to uncover anti-competitive behaviour.

The CMA, the EC and many EU national competition authorities have publicly commented on their use of public data screening tools and databases to identify suspicious patterns of conduct and other market anomalies. In its recent Michelin judgment, the General Court shed new light on the scale and sophistication of the EC's market surveillance function. The case (discussed in more detail at Slide 8 below) illustrates the EC's appetite to pursue innovative approaches to detecting cartel conduct. In addition, an increasing number of regulators have signalled that they are intensifying investments in algorithmic and AI-driven detection capabilities.

“ ..authorities have explored other enforcement routes and invested in new methods and technologies to uncover anti-competitive behaviour.

## 03 LENIENCY APPLICATIONS

Authorities have also sought to reinvigorate leniency programmes. In April 2025, the CMA launched a public consultation on proposed updates to its guidance on leniency and no-action in cartel cases, marking the first comprehensive review of the CMA's leniency guidance in over ten years. The CMA considered how changes to its leniency policy could “best ensure that the incentives offered by the CMA's leniency regime are in the right place to support the CMA's enforcement objectives”. The CMA's updates send a clear signal of its intention to reinforce incentives for self-reporting while complementing its evolving investigative capabilities.

The EC has undertaken similar efforts to replenish its pipeline of leniency applications. This has included, for example, modernising the EC's e-Leniency platform in 2022, introducing Leniency Officers, and publishing new leniency FAQ documents to improve the transparency and accessibility of the programme for applicants and their advisers. These efforts appear to have been successful, as leniency applications are understood to be on the rise for the fourth consecutive year in the EU.



# EXPANDING THE BOUNDARIES OF ANTI-COMPETITIVE CONDUCT

Labour markets | Information exchange and AI

Competition authorities in the UK and EU are increasingly testing the boundaries of traditional cartel enforcement from a substantive conduct perspective.

In addition to “classic” concerns around prices and market allocation, competition authorities are now also probing novel forms of collusion, including in relation to non-price factors of competition across a range of sectors.

Labour practices such as “no-poach” agreements and wage-fixing have emerged as a key focus area for many authorities – and one where EU and UK enforcers have been proactive in conducting dawn raids and opening new investigations. Some examples of recent enforcement activity are set out below.



## FOOD DELIVERY

In June 2025, the EC [imposed fines](#) totalling €329 million on Delivery Hero and Glovo for participating in a cartel to eliminate competitive rivalry in the online food delivery sector across the EEA. The historic decision marked the first time the EC had fined a company for anti-competitive conduct in labour markets, and also stands as a precedent for the possibility that even a minority stake in a competitor can enable collusion.

Whilst the EC emphasised that owning a stake in a competitor is not itself illegal, it found that Delivery Hero’s minority shareholding in Glovo was central to facilitating these anti-competitive practices by creating structural conditions that made collusion between the parties more feasible and sustainable. See our [previous newsletter](#) for further details.



## BROADCASTING

Just two months earlier, in April 2025, the CMA [issued](#) its first antitrust infringement decision in relation to labour market practices – concerning certain bilateral exchanges of competitively sensitive information about freelance workers’ fees between sports broadcast and production companies in the UK.

On 9 September 2025, the CMA published “[Competing for talent](#)” guidance to help employers understand how competition law applies to the recruitment and retainment of employees.



## TECHNOLOGY

In June 2025, the French Competition Authority (ADLC) also [announced](#) its first ever sanction of no-poach agreements, targeting practices implemented by four companies in the engineering, technology consulting and IT services sectors. The ADLC emphasised the “strategic importance of human resources” in these sectors as a key parameter of competition between firms.



# EXPANDING THE BOUNDARIES OF ANTI-COMPETITIVE CONDUCT

Labour markets | **Information exchange and AI**

**Businesses should anticipate close scrutiny of information exchange practices, including those facilitated through AI tools.**

Antitrust enforcers are paying particularly close attention to public disclosures, data pooling through third parties, and the role of industry associations in facilitating collusion.

The revised EU and UK Horizontal Guidelines reinforce this position, placing greater emphasis on indirect coordination and public signalling.

## INFORMATION EXCHANGE

In the recent Michelin case, the EC's concerns prompting a dawn raid related to potential price coordination through public communications. Following extensive analysis of hundreds of thousands of earnings calls transcripts from businesses in various sectors and geographic areas, the EC identified statements that may be evidence of potential price signalling in the tyre manufacturing sector, such as “we want to send a signal”; “we have a plan to”; “the strategy is to focus on”; and “we are able to”. This prompted the EC's decision to investigate further and conduct unannounced inspections to determine whether tyre manufacturers may have used earnings calls to influence each other's respective pricing strategies.

On appeal by Michelin, the General Court ruled that the EC was entitled to suspect it was at least “plausible” that the statements identified by the EC might have been intended to signal Michelin's future pricing strategy to competitors. The judgment confirms that public statements by companies, including investor communications, are at risk of scrutiny for signalling pricing or strategy intentions – and that these can be relied upon to justify dawn raids.

In July 2024, the European Court of Justice's judgment in the Banco BPN case confirmed that even a limited, “standalone” exchange of competitively sensitive information may constitute an infringement of Article 101 TFEU, particularly where the exchange reduces strategic uncertainty. This is the case even in the absence of wider price-fixing or market-sharing conduct, i.e. without there being any arrangement or conduct flowing from that information exchange that may be characterised as a cartel – with the consequence that the authority is not required to provide evidence of actual or potential effects.

## ARTIFICIAL INTELLIGENCE

Regulators in many jurisdictions are increasingly alive to the risks flowing from the now widespread deployment of AI across markets.

This includes the risk that AI tools may be used to allow competitors to share competitively sensitive information, engage in price-fixing, or otherwise collude in violation of competition laws.

It remains to be seen how authorities will grapple with this fast-evolving area, particularly when the conduct being scrutinised may blur the line between unilateral behaviour and a concerted practice.







# SECTORS IN THE SPOTLIGHT

## Areas of focus

Competition authorities are casting a wide net across industries, with no sector being “off limits”.

Traditional targets such as pharmaceuticals, construction, and financial services remain firmly in regulators’ sights.

Moving beyond the usual suspects, however, we expect the UK and EU authorities to pay close attention to conduct that, in addition to its impact on competition, negatively impacts other policy goals.

This includes, in particular, cost-of-living constraints and areas of essential spending for consumers, sustainability and the green transition, public finances, and the renewed “pro-growth” agenda in the UK and Europe.



### PUBLIC PROCUREMENT

The CMA [Annual Plan for 2025 to 2026](#) identified key sectors and areas of focus for its enforcement efforts. The CMA intends to apply a particular focus on public procurement as part of its drive to increase value for taxpayers.

The CMA draws attention to the new regime under the Procurement Act 2023, under which suppliers found to have infringed competition law may be added to a new central debarment register and excluded from all public procurement for up to five years – unless they are a cartel immunity applicant or can show they have “self-cleaned”.

The CMA has also highlighted the increasing use of it “deep bid-rigging identification expertise” to assist public sector organisations to identify anomalies in bidding data and indicators of potential illegal conduct.



### SUSTAINABILITY

In April this year, the EC [fined](#) multiple car manufacturers and a trade association around €458 million for participating in a 15-year long cartel concerning end-of-life vehicle recycling and related advertising claims.

On the same day, the CMA [concluded](#) its own parallel investigation into similar conduct affecting the UK market, issuing fines totalling over £77 million. The CMA commented that such collusion can limit consumers’ ability to make informed choices and lower the incentive for companies to invest in new, greener initiatives and products.

The decisions highlight the growing focus of competition authorities on cartel enforcement in the age of the green transition.



### DEFENCE

2023 saw the EC’s [first ever cartel decision](#) in the defence sector, in relation to a market-sharing cartel for the sale of military hand grenades.

In June 2025, the EC adopted the [Defence Readiness Omnibus](#), a package of measures aimed at establishing a defence-readiness mindset across the EU. The Omnibus includes a communication setting out the EC’s proposed approach to competition rules as they relate to the defence sector. The EC notes it is ready to provide guidance on how companies in the defence sector may collaborate without falling foul of antitrust rules, acknowledging that collaboration may be necessary to scale up production, develop products or procure raw materials.

# IMPLICATIONS FOR BUSINESS

## Bringing it all together

### LOOKING TO THE FUTURE



With continued high enforcement activity on the horizon, the UK and EU authorities are grappling with novel forms of cartel conduct as they deploy enhanced investigative and search powers.



We can expect antitrust enforcers to continue to collaborate closely to build their respective portfolios of inspections and cartel cases, with inter-agency cooperation increasingly becoming the default in investigations with a cross-border dimension.



Whilst consumer-facing sectors and the “usual suspects” are expected to continue to attract scrutiny, we may see broader policy objectives increasingly becoming a publicised consideration in authorities’ prioritisation strategy.



The outcome of pending court challenges related to authorities’ search powers, as well as the developing body of decisional practice and case law related to novel types of cartel infringements, will be key in shaping the enforcement landscape for the coming years.

### PREPAREDNESS IS KEY

To ensure preparedness against this enforcement background, businesses should:



**Ensure that their dawn raid policies are up to date for the regulators’ latest search practices and powers** – this includes recent reforms in this space. “Mock dawn raids” can be a useful tool to help assess preparedness and identify any potential areas for improvement in the company’s response.



**Continue to monitor developments and keep on top of compliance monitoring** – this includes ensuring that where **new risk areas** have emerged, they are being addressed by existing policies and training, and if not, taking steps to rectify any gaps in compliance programmes.



**Ensure that internal escalation procedures are robust** – including staff being aware of them and how they can use them, and that whistleblowings about alleged anti-competitive activity are investigated appropriately.



**Consider periodic compliance audits and “health checks”** – to ensure that a robust risk mitigation strategy is in place.



# OUR CARTELS EXPERIENCE

Many of the world's largest companies turn to us to advise them on business-critical competition matters

We have considerable expertise on all stages of UK and European cartel investigations, including dawn raids, leniency applications, settlements, appeals against infringement decisions and follow-on litigation.

In an area where both the law and practice are rapidly evolving, we have extensive recent experience of acting on cartel investigations and are therefore well-placed to advise on current best practice.

Clients in previous cases have particularly appreciated our willingness to offer a firm view to senior management on key decisions around potential cooperation, contesting proceedings and exposure to follow-on damages.

We are also regularly asked to provide compliance advice and training to our clients, including in relation to dawn raid preparedness. We have developed training materials, policy documents and inspection protocols for these purposes.

## OUR EXPERIENCE INCLUDES ADVISING:

**A company active in the fragrance industry**  
in relation to a CMA investigation

**A car manufacturer**  
on the EC's investigation into end-of-life vehicle recycling

**A luxury fashion retailer**  
in relation to the EC investigation into the fashion industry

**A manufacturing company**  
in relation to an EC investigation into basic industries

**British Airways**  
in connection with the EC investigation into an alleged air cargo cartel in respect of fuel surcharges

**Deutsche Bank**  
in the context of the multiple investigations relating to interbank offered rates

**Fuji Electric**  
in the GIS and power transformer cartel cases

**ITV**  
on the CMA's investigation into the purchase of freelance services in the production and broadcasting of sports content

**JPMorgan Chase**  
in relation to the EC's investigation into trading on the foreign exchange market

**Platts**  
in the EC's investigation into oil and biofuels benchmarks

**Unilever**  
on the EC's investigation into the consumer detergents market

**Various housebuilders**  
in relation to a CMA investigation



# SLAUGHTER AND MAY /

© Slaughter and May

This material is for general information only  
and is not intended to provide legal advice.

For further information, please speak to  
your usual Slaughter and May contact.

September 2025