



The Feature

DOJ Settlement Provides Needed Algorithmic Pricing Guidance

DOJ's proposed [settlement](#) with a revenue management software provider offers important guidance for companies assessing their antitrust risk. The proposed settlement requires the vendor to stop using competitors' nonpublic data for price recommendations, limit model training to data aged at least 12 months, restrict geographic granularity to no narrower than the state level, and remove features that constrained price decreases or aligned competitor pricing.

These restrictions highlight broader algorithmic pricing risk themes. Conduct presenting the highest antitrust risk includes sharing competitive information among rivals, pooling nonpublic data to train or operate models, generating real-time recommendations from nonpublic data, surfacing granular trend insights from nonpublic data, and implementing features that stabilize market outcomes. Notably, these risks may extend beyond pricing to algorithmic tools that determine output quantities, allocate customers or geographies, recommend wages, or set bid amounts.

Companies should conduct privileged antitrust reviews of their algorithmic tools, tighten vendor diligence and contract around permissible data sources and safeguards, and monitor algorithmic outputs for signs of competitive convergence.

Read our detailed update [HERE](#).

The Niche

Geopolitics and competition law: crisis cartels

As recently discussed by the new Director-General of DG Competition Anthony Whelan, the current geopolitical crisis, with its impact on oil prices and transport costs, has revived the debate about "crisis cartels." Crisis cartels are forms of coordination between competitors, adopted in response to sharp demand shocks or economic downturns.

The key competition question is whether such crises can justify relaxation of antitrust rules. Competition authorities generally reject this, maintaining strict enforcement.

Authorities have occasionally allowed limited cooperation within clearly defined frameworks, as exemplified by the [European Commission's](#) temporary acceptance of coordination on capacity, production and supply of essential medicines during the Covid-19 pandemic.

Other Interesting Recent Antitrust Developments

US: On April 9, 2026, the Wall Street Journal [reported](#) that the DOJ had opened an investigation of potential anticompetitive behavior by the NFL, following concerns within the Trump administration over the cost of streaming and cable services.

US: The public comment period [was extended](#) to May 21, 2026 for the DOJ and FTC's competitor collaboration guidelines update. The agencies are considering reintroducing guidelines after the 2000 guidelines were withdrawn in December 2024. In part, the agencies are assessing whether and how "technological developments" should be addressed.

EU: On April 16, 2026, the EC [adopted](#) the new EU Technology Transfer Block Exemption Regulation and its accompanying guidelines, which will enter into force on May 1, 2026.

EU: The EC [issued](#) a supplementary SO to Meta regarding access to the API used by third-party agentic AI to interoperate with WhatsApp, setting the stage for an Interim Measures decision.

UK: On April 1, 2026, the CMA announced that it had accepted final commitments from [Apple](#) and [Google](#) under the DMCC Act relating to app review and rankings, the use of developer data, and Apple's interoperability process. It also [consulted](#) on the efficacy of measures that the companies have implemented in other jurisdictions to address steering concerns.

UK: On March 31, 2026, the CMA [said](#) it had accepted commitments under the DMCC Act from Amazon and Microsoft regarding cloud interoperability and egress fees. It also said that in May 2026, it would launch a DMCC investigation into Microsoft's business software ecosystem.

What's in the Pipeline?

- New EC merger guidelines are expected to be published in the next few weeks.
- The European Data Protection Board will release "Guidelines on Anonymization" by the summer.
- The EU will release a proposal this month to ease state aid rules as part of a suite of measures to help member states deal with the energy crisis.

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