



Our monthly selection of recent developments at the intersection of antitrust and tech.

The Feature

The EC's First DMA Review

Two years after the Digital Markets Act's (DMA) entrance into force, the European Commission (EC) published its first [review](#) with the related [Staff Working Document](#) (SWD). The review takes stock of the initial enforcement activity of the EC and provides the EC's initial views on possible revision of the regulation.

The EC concludes that the DMA remains “fit for purpose and does not need to be revised.” The DMA has already delivered tangible results, e.g., with respect to the data portability obligations and web browser consent screens. However, the EC recognizes that “the DMA has not yet reached its full potential.” For instance, it concludes that it is too soon to assess the anti-steering prohibition and the duty to allow alternative distribution channels.

Turning to possible changes to the DMA, the review addresses the application of the DMA to cloud and AI services. Although cloud services are already included in the list of Core Platform Services (CPSs), the EC is currently carrying out a market investigation into the effectiveness of the existing DMA obligations in the cloud sector. In contrast, AI services are not currently listed as a CPS, but the EC confirms that it intends to continue to apply DMA obligations to AI functionality integrated into CPSs and certain AI services that could be designated as virtual assistants.

On enforcement strategy, the review stresses that the EC considers regulatory dialogue and specification proceedings to be key enforcement tools, while non-compliance decisions will be used in cases where the EC and gatekeepers cannot find common ground.

The review also highlights the complexity of the regulatory framework, noting that “the DMA should not be seen in isolation” and should complement other legislative tools, such as competition law, the Data Act, Digital Service Act, and AI Act.

Read our more detailed update [here](#).

The Niche

US States Target Surveillance Pricing and Personalized Pricing

Maryland has enacted the first state-level restriction on surveillance pricing in the food sector. On April 28, 2026, the state adopted the Protection from Predatory Pricing Act (HB 895), which bars grocery retailers and third-party food delivery platforms from using sensitive consumer personal data (e.g., browsing history, location, demographics, purchase behavior) to charge individualized food prices.

The law targets data-driven price increases while expressly permitting common retail practices such as loyalty rewards, promotions, discounts, and pricing changes tied to ordinary market conditions. Enforcement authority rests solely with the Maryland Attorney General, (i.e., the statute does not create a private right of action). The law takes effect on October 1, 2026.

Other Interesting Recent Antitrust Developments

US: On May 14, 2026, Deputy AAG Daniel Glad [delivered remarks](#) where he stated the Department of Justice (DOJ) belief that criminal prosecution is appropriate when “competitors have understood that their sensitive non-public data will be used to set prices for competitors and have participated on that understanding.”

US: On May 7, 2026, Reuters [reported](#) that the DOJ's antitrust leadership warned companies against invoking artificial intelligence disruption as a pretext to justify potentially anticompetitive mergers, signaling continued scrutiny of AI-related transactions and claims that emerging technology markets require relaxed merger enforcement.

UK: The Competition and Markets Authority [approved](#) the merger of Getty Images and Shutterstock, conditional on Shutterstock divesting its editorial business to remedy concerns relating to the supply of editorial content in the United Kingdom.

Austria: Austria has [updated](#) its media merger rules to conform with the European Media Freedom Act, including in relation to mandatory filings for transactions involving online platforms and unilateral media mergers, i.e., where only one party is a media service provider or a provider of an online platform that offers access to media content.

France: A French court [confirmed](#) that Apple limiting supply to premium resellers, who commercially depended on it for stock, amounted to an “abuse of economic dependency,” a concept used in several EU member state laws. It can be stricter than the EU competition law concept of abuse of dominance.

Denmark: Visma Dinero has halted the launch of an accounting AI assistant after the Danish Competition and Consumer Authority [found](#) that it may raise information exchange concerns. by giving companies excessively detailed insight into the cost and price levels of competitors.

What's in the Pipeline?

- **EU:** The EC's [consultation](#) on the draft guidelines for AI transparency obligations, which aim to clarify the scope of transparency obligations under the AI Act (due to become fully applicable in August 2026), will be open to stakeholder feedback until June 3, 2026,
- **US:** The public has 60 days after publication to submit comments on the DOJ's [proposed settlement](#) with Agri Stats resolving [DOJ and plaintiff states' allegations](#) that Agri Stats facilitated sharing competitively sensitive information between competing meat processors.

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