

Axinn Associates at the Antitrust Spring Meeting

Enforcers' Roundtable

3 MIN READ

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The Spring Meeting is the largest gathering of competition, consumer protection, and data privacy professionals globally, with lawyers, academics, economists, enforcers, journalists, and students from around the world. During the Spring Meeting, Axinn associates attended thought leadership panels to capture key insights. In our final report, below are the top takeaways from the “Enforcers’ Roundtable.”

To read all the articles in the series, [click here](#).

The Enforcers' Roundtable, the customary conclusion to the annual Spring Meeting, included a discussion of pressing antitrust enforcement trends and concerns in both the United States and abroad. Though the absence of U.S. Department of Justice and Federal Trade Commission representatives was notable, the panel featured a Who's Who of global and local enforcers:

- Alexandre Cordeiro Macedo, President of Brazil's Administrative Council for Economic Defense,
- Andreas Mundt, President of Germany's Bundeskartellamt,
- Elizabeth Odette, Assistant Attorney General in the Office of the Minnesota Attorney General and Chair of the NAAG Multistate Antitrust Task Force, and
- Teresa Ribera Rodríguez, Executive Vice-President of the European Commission for Clean, Just and Competitive Transition.

The panelists elaborated on several major areas of interest discussed throughout the Spring Meeting:

Enforcement Concerns Toward Algorithmic Collusion

Each panelist offered their perspective on proper enforcement regarding algorithmic collusion. Macedo emphasized that a flexible, *ex ante* regulation of algorithms was sensible, but acknowledged the benefits of the case-by-case analysis reflected in Brazil's enforcement philosophy. Mundt opined that the competition concerns regarding algorithmic collusion are becoming clearer, stressing that detection remained an overarching enforcement limitation in cases involving more cutting-edge theories of algorithmic collusion. Odette lauded the balance that state enforcement has achieved: nimble local action and legislative efforts to curb algorithmic pricing in the housing market, for example, tempered by the recognition that sweeping enforcement ignores the economic benefits of algorithmic pricing.

For more discussion of algorithmic pricing at the Spring Meeting, please see our coverage of the panel, "[What About Bob? Examining Algorithmic Pricing.](#)"

Continued Aggressive State Enforcement

Augmenting the discussion of Wednesday's panel, "State Antitrust Enforcement on the Rise," Odette reaffirmed the growing prominence of state enforcement of antitrust law in the areas of digital markets, exclusionary conduct, and merger review. Odette emphasized that a priority of the NAAG Multistate Antitrust Task Force is eroding the marginalization of state antitrust enforcement and strengthening communication and coordination among state AGs. Odette's message was clear: states are interested in and committed to taking appropriately aggressive yet nuanced enforcement action, particularly involving industries relevant to the welfare of their constituents, including healthcare, housing, and food.

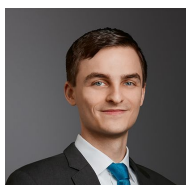
For more coverage of growing state antitrust enforcement, please see our coverage of the panel, "[State Antitrust Enforcement on the Rise.](#)"

Changing Policy Preferences Surrounding the Goals of Antitrust

Acknowledging the Department of Justice's and Federal Trade Commission's increased skepticism towards the consumer welfare standard during the Biden Administration, Mundt and Macedo observed circular and cyclical trends in antitrust enforcement, oscillating between preference for structural versus more effects-based approaches. Rodríguez, Mundt, and Macedo reiterated that protecting competition should remain the central objective of competition policy. Echoing former Assistant Attorney General Jonathan Kanter and former Chair of the Federal Trade Commission Lina Khan's remarks during last year's Enforcers' Roundtable, Mundt and Macedo stressed the importance of competition policy remaining wedded to fostering competition to avoid becoming overly politicized. Mundt and Macedo further noted that sustainability and other objectives were more appropriately pursued through other policy and political means.



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