

Competition Law

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European Commission Updates EU Competition Rules for Technology Licensing Agreements.

Companies licensing technologies, using databases, or participating in technology pools should analyse the impact of the new EU regulations on their agreements and business models. Some agreements previously covered by the block exemption may need to be adjusted before the end of the transitional period, which expires on 30 April 2027.

On 16 April 2026, the European Commission adopted a revised Technology Transfer Block Exemption Regulation ([Regulation \(EU\) 2026/877](#), hereinafter the "Regulation" or "TTBER") and the accompanying Guidelines on the application of Article 101 of the Treaty on the Functioning of the European Union to technology transfer agreements (the "Guidelines"). Both instruments apply from 1 May 2026 and replace the 2014 rules. The Regulation applies until 30 April 2038.

WHAT DOES THE REFORM ENTAIL?

The reform is evolutionary in nature. The European Commission adapts the rules to the realities of the digital economy, while leaving the basic safe harbour mechanism for bilateral technology transfer agreements unchanged.

The key market share thresholds also remain unchanged:

- » 20% for competing undertakings,
- » 30% for non-competing undertakings.

THE CHANGES FOCUS ON FOUR AREAS:

1. DATA LICENSING

The licensing of databases protected by copyright or by the database sui generis right in the EU is generally pro-competitive, and when assessing this type of data licensing, the European Commission (the Commission) will apply the same principles as for technology transfer agreements.

2. TECHNOLOGY POOLS

The conditions for benefiting from the safe harbour for technology pools have been tightened. New requirements have been introduced, including an obligation of greater transparency regarding the composition of the pool and the methodology for assessing the relevance of individual technologies. The Commission also requires that technologies in the pool be licensed

on FRAND (fair, reasonable and non-discriminatory) terms, while ensuring that licensees are not charged more than once for the same technology rights.

3. LICENSING NEGOTIATION GROUPS

The new Guidelines for the first time regulate in detail the activities of groups jointly negotiating licensing terms. The Commission draws the line between permissible cooperation and prohibited practices that may be classified as a buyers' cartel.

4. CLARIFICATION AND SIMPLIFICATION OF THE RULES

The Commission has clarified certain conditions for benefiting from the block exemption and simplified the way in which market share thresholds are applied.

TRANSITIONAL PERIOD – TIME TO REVIEW AGREEMENTS

Agreements concluded before 1 May 2026 that fulfilled the conditions of the previous TTBER (2014) but do not meet the requirements of the new Regulation are protected until 30 April 2027.

After that date, they are subject to full assessment under Article 101 of the Treaty.

For many companies, this means that a review of their licensing agreement portfolio must be carried out in 2026.

WHO IS AFFECTED BY THE CHANGES?

The new rules are particularly relevant for companies that:

- » license technologies or know-how,
- » grant or obtain licences for databases,
- » participate in technology pools or technical standards (SEPs),
- » use data as part of their business model,
- » are considering the joint negotiation of licensing terms.

HOW WE CAN HELP

Our competition law team has many years of experience in advising on competition law at the intersection with intellectual property law.

We offer:

- » audits of licensing agreement portfolios,
- » bringing agreements into compliance with the new TTBER requirements,
- » competition law compliance assessments of licensing negotiation groups and their activities,
- » representation before the European Commission and the Polish Office of Competition and Consumer Protection (UOKiK).

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