

## No-Poach Agreements in the Spotlight: European Competition Authorities Zooming In on Labour Market Collusion

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European competition authorities are increasingly targeting no-poach agreements and other restrictive practices in labor markets as a form of anti-competitive conduct. With a no-poach agreement, companies agree not to hire each other's employees. This year, the European Commission (EC), French Competition Authority (FCA), and Portuguese Competition Authority (AdC) sanctioned no-poach agreements, and the UK Competition and Markets Authority (CMA) issued a fine in a wage-fixing case.

### EC: Delivery Hero / Glovo

On 2 June 2025, the EC fined Delivery Hero and Glovo €329 million for participating in anti-competitive agreements including a no-poach agreement, the exchange of sensitive information, and the allocation of markets in the online food delivery sector.<sup>1</sup>

When Delivery Hero acquired a non-controlling minority stake in Glovo, the parties signed a shareholders' agreement that included a reciprocal no-hire clause for certain employees. Later, they extended this to a general agreement to not actively approach each other's employees. The EC rejected the notion that Delivery Hero's 44% minority shareholding in Glovo justified the coordination. Only when Delivery Hero later acquired full control of Glovo, the companies became part of the same economic entity, requalifying the agreement as internal coordination.

### FCA: Randstad Digital/Alten and Expleo/Bertrandt

On 11 June 2025, the FCA [fined](#) anticompetitive agreements in the consulting industry between Ausy (now Randstad Digital) and Alten and between Expleo and Bertrandt with a total of €29.5 million.<sup>2</sup>

The respective parties had entered into gentlemen's agreements to prevent the direct solicitation of employees from the other party and the hiring following an employee's spontaneous application. The decisions target,

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<sup>1</sup> EC, Press Release, "Commission fines Delivery Hero and Glovo €329 million for participation in online food delivery cartel," 2 June 2025.

<sup>2</sup> FCA, Press Release, "No-poach practices: the Autorité de la concurrence fines four companies in the engineering, technology consulting and IT services sectors," 11 June 2025.

for the first time, no-poach agreements as a stand-alone antitrust violation. The FCA had [sanctioned](#) no-poach clauses in 2024 as part of a wider collusion between competitors on prices and customers in the pre-cast concrete sector.<sup>3</sup>

## AdC: Inetum

On 19 February 2025, the AdC [fined](#) consulting firm Inetum €3.1 million for engaging in anti-competitive practices in the labour market with other companies.<sup>4</sup> As part of the same investigation, the AdC had previously fined three other companies operating in the same market €4.1 million for similar conduct. The companies involved entered into no-poach agreements, mutually committing to not recruit and to not make unsolicited approaches to each other's employees.

## CMA: BBC, ITV et al

In March 2025, the CMA issued its [first antitrust infringement decision](#) involving labor market restrictions.<sup>5</sup> The CMA imposed fines totaling over £4 million on four companies, including the BBC and ITV, for anticompetitive exchanges of information about the rates paid to freelancers working in the production and broadcasting of sports content in the UK. According to the CMA, the aim was to coordinate how much to pay those workers, a behaviour that the authority found to be a "by object" infringement.

## Takeaways

The decisions show that enforcement against restrictive labour market agreements has become a priority for European competition authorities. Companies should include in their compliance efforts rules about how they operate on the labour market.

The EC stressed that collusion in the labour market would usually constitute a per se infringement of [Article 101 TFEU](#). This applied not only to no-poach agreements but also to [wage-fixing](#) when employers agree to fix the wages or other types of compensation or benefits of their employees.<sup>6</sup> These restrictions could only be exempted from the ban of cartels or justified in very rare circumstances, such as an ancillary restraint to a supply or cooperation agreement or within a joint venture. However, this requires, among other things, that the no-poach agreement or wage-fixing is necessary to carry out the main agreement and that the restriction is proportionate. In a recent [consultation](#)<sup>7</sup> on draft revised guidance on leniency applications in cartel cases, the CMA suggested to include in the non-exhaustive list of examples of cartel behaviour both wage-fixing or coordination and no-poach agreements.

<sup>3</sup> FCA, Press Release, "Pre-cast concrete products: the Autorité sanctions four cartels and imposes a total fine of €76,645,000 on 11 companies," 3 June 2024.

<sup>4</sup> Portuguese Competition Authority, Press Release, "AdC fines Inetum Group for anti-competitive practices in the labor market," 19 February 2025.

<sup>5</sup> CMA decision in case 51156, dated 21 March 2025.

<sup>6</sup> See also 2024 Joint Nordic Report on Competition and Labour Markets by the Norwegian, Swedish, Danish, Icelandic, and Finnish Competition Authorities (<https://kfst.dk/media/tsdpmh3l/20240116-competition-and-labour-markets-joint-nordic-report-2024.pdf>). This report also lists a number of older cases involving restrictive practices in labor markets.

<sup>7</sup> CMA, "Consultation on draft revised leniency guidance," 9 June 2025.



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