

Compliance & Risk

Volume 13 Issue 2

March/April 2024

Headlines

- Migrant workers at greater risk of modern slavery after Brexit, p.18
- CMA reports on fast fashion greenwashing investigation, p.19
- EU investigates big tech under Digital Markets Act, p.19

Contents

<i>The Digital Markets, Competition & Consumers Bill: should businesses reassess their approach to compliance with consumer laws?</i>	2
<i>Regulatory investigations by the UK ICO Part 1: what to expect and how best to respond</i>	8
<i>UK holiday leave and pay: 2024 updated requirements</i>	13
<i>News & Views</i>	17

ECHR landmark case rules inaction on climate breaches human rights

In a landmark decision on 9 April 2024 on one of three major climate cases, the European Court of Human Rights (ECHR) ruled that Switzerland had breached the rights of a group of older Swiss women to family life since the country had failed to comply with its duties to stop climate change.

In the first ruling of its kind by an international court, the ECHR has increased judicial pressure on governments to pay more than lip service to the action they take to curb greenhouse gas emissions.

The Court also indicated a willingness to hear similar cases that organisations may bring on behalf of individual applicants.

The case was one of three separate actions before the Court on the question of whether governmental inaction on climate change can breach fundamental human rights.

A case against 32 European countries brought by Portuguese youngsters claiming that climate-fuelled disasters threatened their right to life and discriminated against them based on their age,

since they were more likely to see significant climate change, failed.

The ECHR ruled that the claimants had not exhausted their national rights, and further were not entitled to bring claims against states other than Portugal.

A French case, brought by MEP Damien Carême when he was mayor of a coastal town liable to flooding arguing that France’s failure to do enough to stop climate change, breached his rights to life and privacy

[\(Continued on page 17\)](#)

EU anti-trust case lands Apple with deterrent fine of €1.8bn

The EU has imposed an unexpectedly large fine of €1.8bn (£1.5bn) on Apple following an investigation which found that the tech giant had abused its dominant market position by limiting competition from music streaming services such as Spotify. The case considered complaints made by Spotify and centred on Apple’s App Store as the sole gateway for iPhone apps.

The European Commis-

sion ruled that, as a result of Apple’s anti-competitive practices which spanned a period of almost 10 years, the public ended up paying significantly more than they should have for music streaming.

The European Competition Commissioner, Margrethe Vestager, said, “Apple’s rules ended up harming consumers. Critical information was withheld so that

consumers could not effectively use or make informed choices. Some consumers may have paid more because they weren’t aware that they can pay less if they subscribed outside of the app”.

Referring to the magnitude of the penalty, Ms Vestager said a smaller fine would have been nothing more than the

[\(Continued on page 17\)](#)