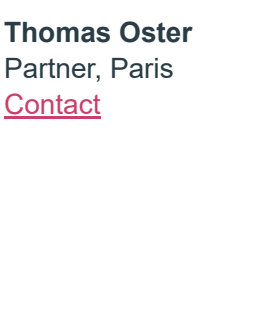


# Competition & EU

## Competitive Edge

Keeping you up to date on Competition & EU law developments in Europe and beyond

### In Focus



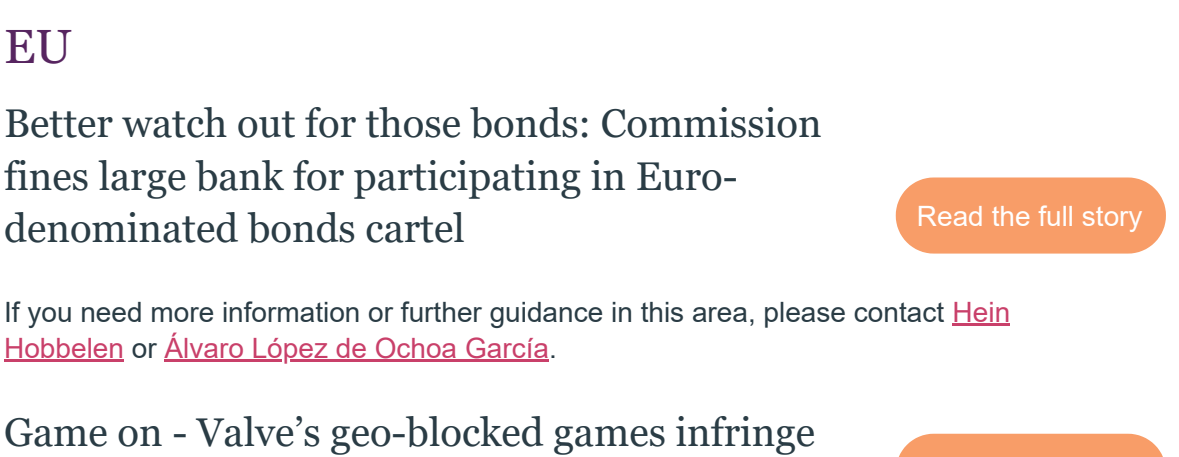
**Thomas Oster**  
Partner, Paris  
[Contact](#)

## CJEU Super Bock ruling: competition authorities must demonstrate that resale price maintenance harms competition to a sufficient degree

The Court of Justice of the European Union (CJEU) has ruled that agreements setting minimum prices aren't automatically considered a restriction of competition and deemed illegal, without evidence of harm to competition. This decision stems from an appeal against a penalty imposed by the Portuguese Competition Authority on Super Bock Bebidas for vertical price fixing. The CJEU clarified that while vertical agreements can restrict competition, an assessment must be made considering the agreement's content, objective, and its economic and legal context. This ruling is considered to make it harder for EU competition authorities to act against companies for resale price maintenance. Read our article for a full analysis.

On the assessment of Retail Price Maintenance in national jurisdictions, see the contributions from the Czech Republic and the Netherlands below.

[Read the full story](#)



### Updates from our jurisdictions

#### EU

##### Better watch out for those bonds: Commission fines large bank for participating in Euro-denominated bonds cartel

[Read the full story](#)

If you need more information or further guidance in this area, please contact [Hein Hobbelen](#) or [Álvaro López de Ochoa García](#).

##### Game on - Valve's geo-blocked games infringe EU competition law

[Read the full story](#)

If you need more information or further guidance in this area, please contact [Dr Saskia King](#), [Quinn Liang](#), [Laura Horwich](#).

#### Australia

##### Australian Government makes the case for merger reform

[Read the full story](#)

If you would like to make a submission, or have any questions about the consultation paper, please contact [Thomas Jones](#) or [Matthew Bovaird](#).

#### Belgium

##### BCA's competitive check-up in the retail banking sector

[Read the full story](#)

For more information or further guidance in this area, please contact [Baptist Vleeshouwers](#) or [Ruben Verdoordt](#).

#### Czech Republic

##### Landmark Supreme Administrative Court ruling annuls RPM decision and sets new standard for sanctioning

[Read the full story](#)

If you need more information or further guidance in this area, please contact [Vojtěch Chloupek](#) and [Martin Taimr](#).

#### Denmark

##### Too plugged in - Danish Energy Producers found to have coordinated pricing in the power markets

[Read the full story](#)

If you need more information or further guidance in this area, please contact [Morten Nissen](#), [Alexander Brøchner](#) or [Nanna Solie Krabbe](#).

#### Finland

##### Public transportation companies fined for engaging in prohibited concerted practices

[Read the full story](#)

For more information or further guidance in this area, please contact [Katia Duncker](#) or [Marja Karpathakis](#).

#### Italy

##### Airline pricing algorithms under Italian antitrust watchdog scrutiny: an attempt to clip AI's wings?

[Read the full story](#)

If you need more information or further guidance in this area, please contact [Federico Marini Balestra](#), [Lucia Antonazzi](#) and [Chiara Horgan](#).

#### Netherlands

##### Dutch court applies Super Bock in ACM's first ever RPM-case

[Read the full story](#)

If you need more information or further guidance in this area, please contact the authors [Pauline Kuipers](#) or [Reshmi Rampersad](#).

#### Poland

##### "Drip pricing" and aggressive marketing under scrutiny in Poland – charges and decisions by the Polish Competition Authority

[Read the full story](#)

If you need more information or further guidance in this area, please contact [Stanislaw Szymanek](#) and [Marcin Alberski](#).

#### UK

##### Anti-competitive Information Exchange in the Financial Services sector - still under scrutiny by the FCA

[Read the full story](#)

If you need more information or further guidance in this area, please contact [Dr Saskia King](#) or [Christina Fleming](#).

### Events, webinars, conferences



#### 138th GCLC Lunch Talk in Brussels

##### Christmas message of the Court on competition law in sports

**15 January 2024 | 12 - 2pm CET**

The Hotel, 38 Boulevard de Waterloo, Brussels

The Court of Justice of the European Union will deliver three important judgments related to the enforcement of competition law in the sports sector on December 21, 2023. These cases are the International Skating Union (C-124/21 P), Superleague (C-333/21) and Royal Antwerp (C-680/21). The outcomes of these cases are expected to have far-reaching implications and reshape the governance of sports within the European Union.

[José Rivas](#) will chair the upcoming GCLC Lunch Talk with speakers [Gero Meessen](#), Legal Service, European Commission and [Ben Van Rompuy](#), Assistant Professor, Leiden University.

The College of Europe's GCLC organises monthly lunch talks in Brussels on current topics of competition law and economics. The aim of these events is to provide a discussion platform for private practitioners and competition officials.

[Register for the event >>](#)

**If you have questions related to competition/antitrust law and sports, please contact [Jose >>](#)**



#### Lexology webinar

##### EU Regulation on control of Foreign Subsidies: First experiences

**30 January 2024 | Online**

Starting on 12 October 2023, all companies operating within the EU have to notify mergers and involvement in public procurement processes that meet certain criteria if they have received foreign subsidies (subsidies provided by a non-EU country). Companies that don't comply could be subjected to interim measures, corrective actions, requests for information and inspections, as well as face penalties equating to 10% of their turnover.

On 30 January, join our Competition and Public Procurement law experts [José Rivas](#), [Janneke Kohlen](#), [Morten Nissen](#), [Marc Martens](#) and [Peter Dann Jørgensen](#) as they guide you through the new EU foreign subsidies regulation (FSR) and help you understand how to identify potential risks and steer clear of common pitfalls when it comes to foreign subsidies. The panelists will also share insights based on their first experiences with the FSR, as well as best practices for successfully navigating the new EU foreign subsidy control system.

[More information on the webinar >>](#)

[Register for the free webinar >>](#)

### Bird & Bird news

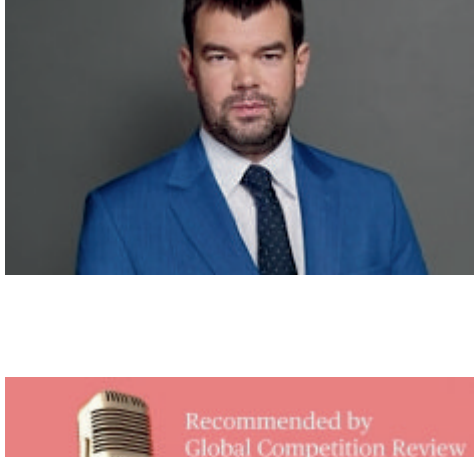


#### Workshop on the evaluation of the Technology Transfer Block Exemption and Guidelines

[Pauline Kuipers](#) was invited by the European Commission to moderate its online stakeholders workshop on the evaluation of the Technology Transfer Block Exemption and Guidelines that took place on December 6th.

The Technology Transfer Block Exemption regulation (licensing) agreements from Article 101 TFEU. The TTBER will only expire on 30 April 2026, so this will not be the last step in the Commission's revision process, which can be followed on [the Commission's dedicated review page](#).

**For more information, including the main points from the consultation discussion in the workshop, contact [Pauline >>](#)**

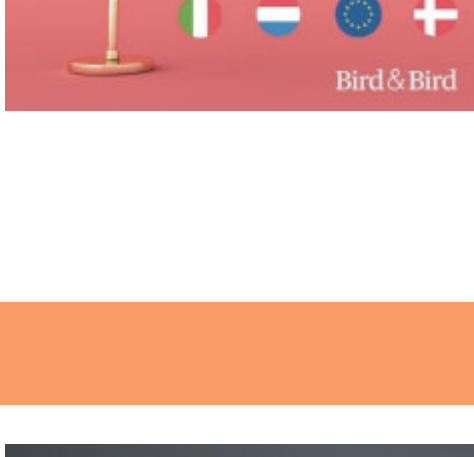


#### EU and UK inbound Foreign Direct Investment (FDI) regimes

Partners [Morten Nissen](#), [Dr Stephan Waldheim](#), [Janneke Kohlen](#), Legal Director [Anthony Rosen](#) and Counsel [Baptist Vleeshouwers](#) spoke to [Financialer Worldwide magazine](#) about EU and UK inbound FDI regimes. The interview was published in the January 2024 edition of the magazine.

*Financialer Worldwide is a highly respected source of information focusing on corporate finance and board-level business issues.*

[Read the full interview here >>](#)



#### Presentation at the Polish National Competition Law Congress

On 30 November [Szymon Golebiowski](#) presented on the **EU Foreign Subsidies Regulation** at the Polish National Competition Law Congress.

If you would like to receive the slides (in Polish) please [contact Szymon by e-mail](#).

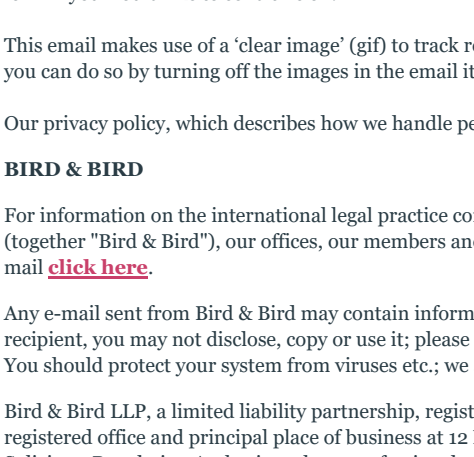


#### Recognition in GCR 100 2024 guide

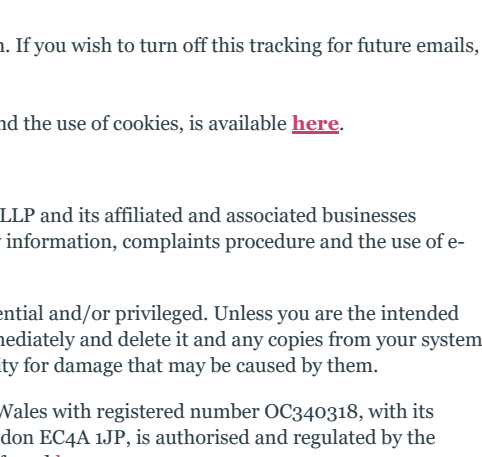
We are delighted to announce that our Competition & EU teams in Brussels, Denmark, Italy and the Netherlands have, again, been recommended in the Global Competition Review GCR100 2024, a comprehensive guide to the world's top antitrust and competition practices.

Congratulations to our teams for their hard work and dedication, and a sincere thank you to our clients for their trust and continued support.

### Contacts



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