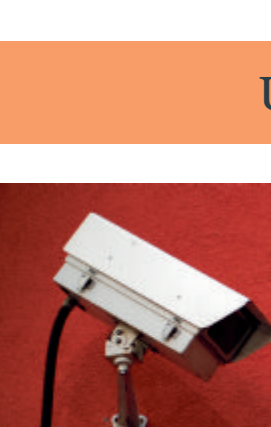


Competition & EU

Competitive Edge

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

In Focus



Nicola Ceraolo
Of Counsel, Rome
[Contact](#)

Some thoughts on the standard of proof in competition cases

In the intricately woven world of competition law, the standard of proof stands as a pivotal, yet complex element. Delving into the evolutionary path of competition law, this article discusses the ever-changing role of competition lawyers and their undeniable significance in the realm of procedural rights. It scrutinises contentious aspects such as leniency schemes, European Convention on Human Rights and the essential presumption of innocence. Nicola challenges legal frontiers, encouraging competition lawyers to stand firm for their client's rights. Read more to understand the depths of competition law and the nuances of the legal landscape.

[Read the full story](#)

Updates from our jurisdictions



EU: Foreign Subsidies Regulation Flowchart

A flowchart to help you understand if your company must notify foreign subsidies under the new EU Foreign Subsidies Regulation

With this article in last month's edition of *Competitive Edge* "Has my company received foreign subsidies that must be notified in the EU?" José Rivas aimed at helping companies ascertain whether, after 12 October 2023, they are under an obligation to notify foreign subsidies (FS) under the new EU Foreign Subsidies Regulation (FSR).

José Rivas and Paula González Alarcón have also prepared a **flowchart** with questions to further simplify the FSR rules, so that companies understand in an even clearer manner their notification obligations under the FSR.

All those confronted with the question of whether their company has received foreign subsidies that may need notifying in the EU can print this flowchart and keep it on their desk for easy reference.

[Click here to see the flowchart >>](#)

EU

The Data Act: a facilitator of competition in aftermarket

[Read the full story](#)

For more information, please contact [José Rivas](#).

Belgium

The BCA also reads the newspapers... and opened an ex officio investigation following press communications in the banking sector

[Read the full story](#)

For more information, please contact [Baptist Vleeshouwers](#) or [Ruben Verdoold](#).

Denmark

Put on your Wellingtons, fishing expeditions allowed

[Read the full story](#)

For more information, please contact [Morten Nissen](#), [Alexander Brächner](#) or [Nanna Sofie Krabbe](#).

Italy

Ryanair investigated for alleged abuse of dominant position in Italy

[Read the full story](#)

For more information, please contact [Federico Marini Balestra](#), [Lucia Antonazzi](#) or [Chiara Horgan](#).

Netherlands

Sustainability and competition: from hot topic to business as usual?

[Read the full story](#)

For more information, please contact [Pauline Kuipers](#), [Tialda Beetstra](#) or [Joost van Roosmalen](#).

Spain

The EU General Court overturns the Commission's decision on Spanish tax scheme on the deduction for indirect acquisitions in foreign companies

[Read the full story](#)

For more information, please contact [Candela Soles](#).

United Kingdom

Guiding the development of AI: the CMA's initial report on AI Foundation Models

[Read the full story](#)

For more information, please contact [Dr. Saskia King](#), [Toby Bond](#) or [Quinn Liang](#).

Pet-ential competition concerns in the vet industry? UK watchdog launches review into the veterinary services market

[Read the full story](#)

For more information, please contact [Dr. Saskia King](#) or [Quinn Liang](#).

Podcasts



Competitive Edge – The Podcast

Episode 9: Information exchange between competitors

In the latest episode of our podcast series, our Rome-based competition lawyers [Lucia Antonazzi](#) and [Chiara Horgan](#) spend about ten minutes discussing the implications of recent changes in the EU regime for horizontal agreements. Key highlights include:

- Overview of the new EU regime for horizontal agreements, focusing on the impact on **information exchange between competitors** and third parties.
- Evaluation of the dual nature of information exchange, discussing its potential pro-competitive and anti-competitive effects.
- Insight into the new EU Horizontal Guidelines' dynamic approach to information exchange.
- Practical advice for companies navigating information exchange complexities, including the use of "clean teams" and self-assessment of new information sharing techniques.
- Final thoughts emphasizing the careful balancing act companies must perform when assessing the nature and impacts of information exchange.

In Competitive Edge – The Podcast we dissect topical competition law issues to help you understand how they may affect your business.

If you have any questions or need clarifications, we would be happy to hear from you.

[Listen to the episode >>](#)

Events, webinars, conferences



Course

Florence Competition Autumn School 2023

16 - 19 October 2023
Fiesole (Florence), Italy and online

The Florence Competition Autumn School, held on the campus of **EUI (European University Institute)**, is an advanced course on recent developments in competition policy in Europe, the USA and the rest of the world.

Our Brussels-based Counsel [Baptist Vleeshouwers](#) will make sure you are aware of the latest developments in **antitrust leniency applications** and **damages** with a presentation followed by an interactive group exercise of a dawn raid simulation.

[Find out more and register here >>](#)



Centre for a Digital Society (CDS) Autumn Conference

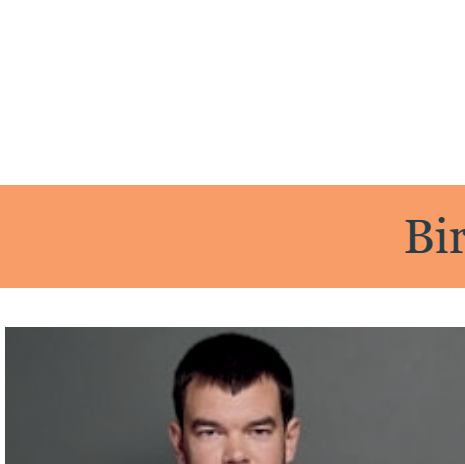
Fairness in the Digital Age

19 - 20 October 2023
Fiesole (Florence), Italy and online

At this conference you will participate in an engaging conversation on the notion of "equity" in EU competition policy and industry regulation within the digital sphere, alongside distinguished scholars, professionals, government officials, and business representatives.

Our Brussels-based competition partner [Hein Hobbelen](#) will join Panel V discussing **Fairness in Platform – Business Users Relation and in Inter-Platforms Competition** together with representatives from Meta, NERA and the Austrian Federal Competition Authority.

[More information and registration >>](#)



Conference

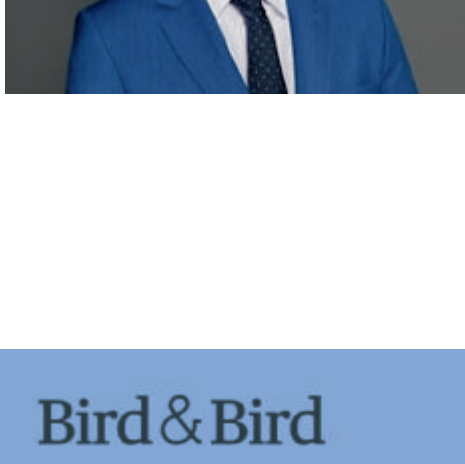
International Bar Association (IBA) Conference

29 October - 3 November 2023
Paris, France

The International Bar Association (IBA) Annual Conference is one of the world's leading global events for legal professionals, fostering knowledge sharing, networking, and business growth. It promotes international law's role in society and offers top-notch professional development opportunities. This event, open to both members and non-members of the IBA, welcomes legal practitioners, in-house counsel, judges, regulators, and more from over 130 countries, creating a dynamic forum for learning, networking, and forging enduring professional and personal connections.

Bird & Bird competition partner [Hein Hobbelen](#), who also holds the position of IBA's **Diversity and Inclusion Officer** and sits on the Communications Law Committee, will co-chair the session **Digital market act and digital service act: a blueprint for global act and digital service act**.

[More information and registration >>](#)



Webinar recording: EU Foreign Direct Investments regulations

The Nordics - similar, yet so different. Key regional legal issues for you to consider.

In this webinar, which took place on 18 September, we covered:

- Background to the EU wide screening mechanism
- Current state of implementation
- Foreign Direct Investments: the who's, the what's and the processes
- Scopes and which sectors to pay special attention to
- Deal Terms & Negotiations

If you missed it, you can watch the recording, in which our Competition and Corporate law experts in Denmark, Sweden and Finland [Morten Nissen](#), [Katja Duncker](#), [Alexander Brächner](#), [Maria Carlsson](#), [Michael Butler](#) and [Caroline Grottenfelt](#) guide the audience through the above topics. Feel free to reach out to them if you have any questions.

[Watch the recording of the webinar >>](#)



Webinar Recording

Do's & don'ts for cooperating with competitors – the new EU rules

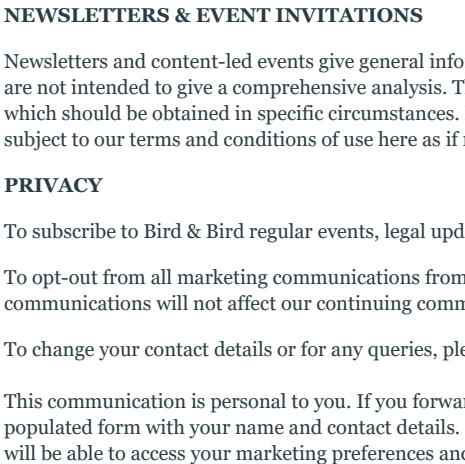
On 1 July 2023, the European Commission adopted and published the revised **Horizontal Block Exemption Regulations** ("HBERs") on (i) research & development (R&D) agreements and (ii) specialisation agreements, accompanied by the revised Horizontal Guidelines.

Would you like to understand the main changes to this legislation, which governs **cooporation agreements between competitors**? Then please watch the recording of our webinar that took place on 14 September, in which our Bird & Bird Competition law experts [Pauline Kuipers](#), [Morten Nissen](#), [Janneke Kohlen](#), [Joerg Witting](#) and [Federico Marini Balestra](#) discussed key aspects of the new rules that companies should keep in mind when engaging in forms of cooperation with (potential) competitors, including:

- **Introduction to the new regime**
- **HBERs for R&D and Specialisation Agreements**
- **Joint purchasing agreements / buying alliances**
- **Standardisation Agreements**
- **Information Exchange**
- **Sustainability**

[Watch the recording of the webinar >>](#)

Bird & Bird news



The Polish Act on Competition and Consumer Protection and the Implementation of the ECN+ Directive

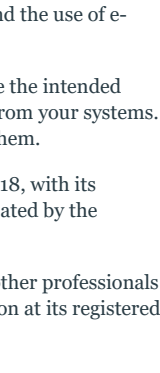
Warsaw-based Bird & Bird Senior Associate [Szymon Golebiowski](#) recently published the abovementioned article in the **Journal of European Competition Law and Practice**, a peer-reviewed journal dedicated to the practice of competition law in Europe, published by Oxford University Press.

[Read the full article \(paywall\) >>](#)

Bird & Bird
"The competition law team is very hands on... Responsiveness is extremely good. Deep and profound experience with regulating authorities."

EU and Competition

Peter Willis, Dr Saskia King, Ariane Le Strat, Anthony Rosen, Tenisha Cramer



Thank you to our clients for their feedback about our London Competition law team in the recently released **Legal 500 UK guide for 2024**. We look forward to another great year of working with you!

And congratulations to partner [Peter Willis](#), Legal Director [Dr. Saskia King](#) and Senior Associate [Ariane Le Strat](#) for being recommended in the guide.

"The team at Bird & Bird LLP is praised for providing 'swift and practical advice' with a 'personal touch' across a wide array of sectors, including IP, sport, financial services, technology, energy and retail. The practice is regularly instructed by some of the world's largest corporates on broad range of competition law matters encompassing merger clearances and the national security aspects of acquisitions. Practice head Peter Willis has 30 years' experience of advising businesses on competition and regulation, in both London and Brussels, spanning multiple sectors. 'Stand-out' Ariane Le Strat is noted for her expertise in vertical supply chain arrangements. Legal director Saskia King is a key figure within the practice who is highly regarded for her proficiency in handling a range of antitrust enforcement matters."

Contacts



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