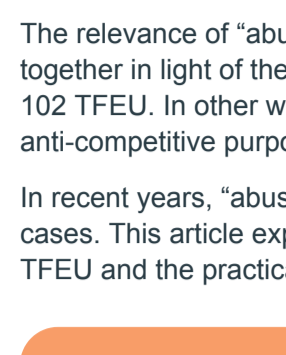




Competitive Edge

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

In Focus



Federico Marini Balestra
Partner, Rome

[Contact](#)

From abuse of dominance to abuse of rights: the last resort tool to apply Article 102 TFEU?

The relevance of "abuses of rights" under EU competition law emerges when a set of otherwise lawful conducts, if taken together in light of their alleged instrumental nature, is such as to constitute an abuse of dominant position pursuant to Article 102 TFEU. In other words, an "abuse of rights" may occur when a series of "lawful behaviours" are bent to the pursuit of an anti-competitive purpose by a dominant undertaking.

In recent years, "abuse of right" allegations have been more frequently emerging in both EU and national competition law cases. This article explores this relevant case-law with a view to assess the consequences of the enforcement of Article 102 TFEU and the practical risks and implications for undertakings holding a dominant position.

[Read the full story](#)

Updates from our jurisdictions

EU

EU Chips Act proposal - what you need to know

The EU presents plan to strengthen Europe's semiconductor industry.

[Read the full story](#)

For more information contact [Lluís Girbau Cabanas](#)

Australia

ACCC publishes its first report on ex post reviews of past merger decisions

[Read the full story](#)

For more information contact [Thomas Jones](#) or [Patrick Cordwell](#)

Competition in Digital Platform Services - ACCC Digital Platform Services Inquiry - No.5 Interim Report

[Read the full story](#)

For more information contact [Thomas Jones](#), [Sophie Dawson](#), [Julie Cheeseman](#) or [Matthew Bovaird](#)

Belgium

Belgium implements ECN+ Directive and amends the competition rules for the third time in as many years

[Read the full story](#)

For more information contact [Hein Hobbelen](#) or [Baptist Vleeshouwers](#)

Czech Republic

European Commission rejects Czech mobile access proposals based on a finding of joint dominance

[Read the full story](#)

For more information contact [Vojtěch Chloupek](#), [Radomír Pivoda](#) or [Jiri Švejda](#)

Denmark

Danish car dealer association runs red light boycotting a digital platform

[Read the full story](#)

For more information contact [Morten Nissen](#) or [Alexander Brøchner](#)

Finland

The Finnish Competition and Consumer Authority publishes updated guidelines on the application of the Finnish Competition Act in leniency cases

[Read the full story](#)

For more information contact [Katia Duncker](#)

France

The French Competition Authority fines EDF and several of its subsidiaries €300 million after a settlement procedure for abuse of dominant position

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For more information contact [Thomas Oster](#) and [Claire Burlin](#)

Hungary

Big data in e-commerce: lack of consumer awareness and no competitive disadvantage

[Read the full story](#)

For more information contact [Dániel Arányi](#), [Gábor Kutai](#) or [Rebeka Szópkó](#)

Netherlands

Dutch regulator actively facilitating sustainability developments

[Read the full story](#)

For more information contact [Tjaldia Beetsma](#), [Daniëlle van de Vijver](#) or [Peter Willis](#)

Poland

UOKiK probes software-enabled exchange of strategic information between pharmaceutical wholesalers

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For more information contact [Piotr Dynowski](#) or [Marcin Alberski](#)

Spain

CNMC fines the Spanish National Postal Company EUR 32.6 million for abuse of its dominant position

[Read the full story](#)

For more information contact [Candela Sotelo](#)

UK

The Draft VABEO is finally published – the new competition law regime for supply chain agreements

[Read the full story](#)

For more information contact [Dr Saskia King](#) or [Ariane Le Strat](#)

Podcasts, webinars & events



Competitive Edge

The Podcast

Episode 5: Platform workers and competition law

In this episode competition lawyer [Baptist Vleeshouwers](#) (Senior Associate, Brussels) discusses with employment lawyers [Cecilia Lahaye](#) (Counsel, Brussels) and [Guillaume Nolens](#) (Associate, Brussels) about the European Commission's proposals package to improve working conditions of digital platform workers.

[Click here to listen to the podcast >>](#)



Hybrid seminar in Brussels

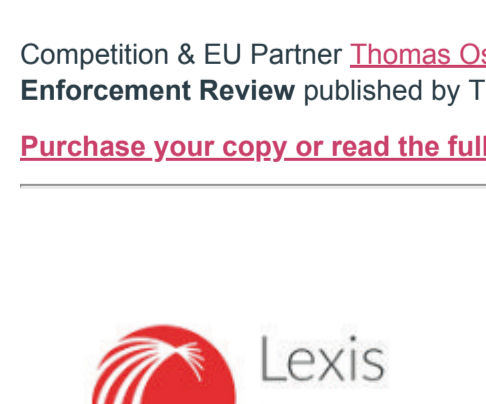
Economic Analysis in EU Competition Policy: Current trends and future perspectives

Thursday 19 May | 13:00 - 20:00 CET

Zoom + Bird & Bird office
Avenue Louise 235 - 1050 Brussels

This seminar, organised in collaboration with the [Florence Competition Programme](#) of the **European University Institute** (EUI), will bring together academics, practitioners, officials from national governments and EU institutions, and industry representatives, to debate the role of economic analysis in EU competition policy.

[Find out more >>](#)

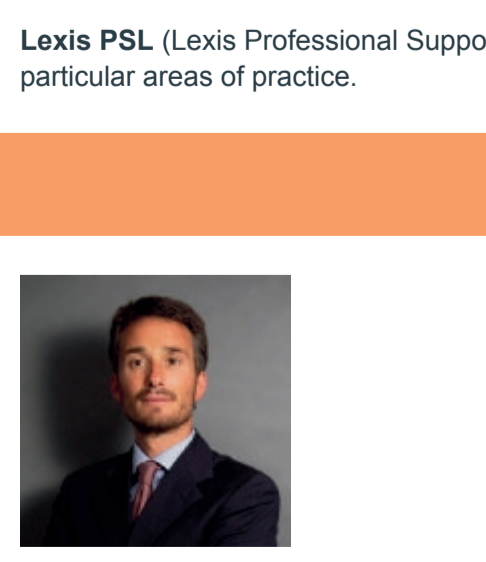


Webinar recording

Will the Data Act unlock value in the EU data economy?

Did you miss our EU Data Act webinar? Watch the replay to learn the key elements of this far-reaching legislative proposal, as well as its interplay with competition law and data protection law.

[View the recording here >>](#)



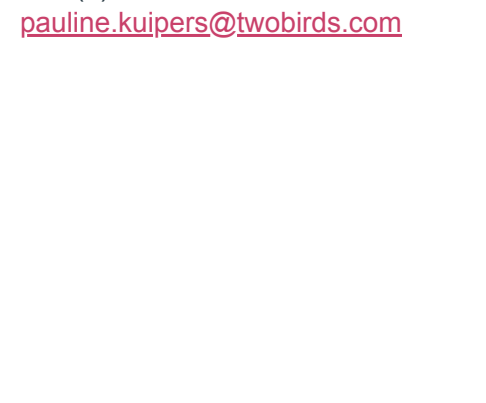
Webinar recording

Financial Services & UK Competition Law: Evolving Business Models & The Competition Law Landscape

In this webinar organised by the Financial Services Club (Z/Yen Group), our London-based Competition & EU legal director [Dr Saskia King](#) covered the following points in relation to financial services and UK competition law.

- Who's watching you?
 - Why you need to care about competition law
- Developments in tech innovation and the FS sector
 - Data, digitisation, and open banking
- Data access issues
- Partnering and the pitfalls
 - Collaborations, partnerships, fora/networks, mergers

[Click here to watch the webinar recording >>](#)



EU Competition Law Summer School 2022

Monday 8 - Friday 12 August 2022

Downing College, Cambridge, UK

Competition & EU partners [Peter Willis](#) and [Anne Federle](#) will present at the Informa Connect EU Competition Law Summer School, covering the topics of mergers and hard core cartels.

[Find out more >>](#)

Publications

Competition & EU Partner [Thomas Oster](#) authored the France chapter for the 15th edition of **The Private Competition Enforcement Review** published by The Law Reviews.

[Purchase your copy or read the full publication online here >>](#)

Our London-based Legal Director [Anthony Rosen](#) with the assistance of [Amy Donlevey](#) recently published a TMT practice note titled [The UK's Digital Markets Competition regime](#). The note provides comprehensive and up to date legal information covering:

- The background to the UK's Digital Markets Competition regime
- An overview of the Digital Markets regime including the establishment of the DMU, SMS status, Code of Conduct, Pro-competitive interventions (PCIs) and a new SMS merger regime
- Examples of ongoing CMA investigations in digital markets
- Comparison of the DMA

Lexis PSL (Lexis Professional Support Lawyer) provides lawyers with current legal information briefings that are applied to particular areas of practice.

Bird & Bird news

Federico Marini Balestra
Partner, Rome

[Contact](#)

Rome-based partner appointed as expert to rapporteur on the EU Chips Act

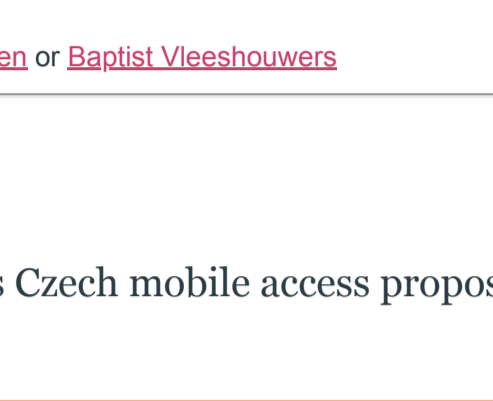
We are delighted to congratulate our Rome-based partner Federico Marini Balestra for his appointment as the **independent expert assisting the European Economic and Social Committee rapporteur on the EU Chips Act**. He will assist the rapporteur, Professor Maurizio Mensi, in drafting the EESC opinion on the legislative draft.

Contacts



Pauline Kuijpers

Partner, The Hague
Co-head of Global Competition & EU Group
+31 (0)7 0353 8810
pauline.kuijpers@twobirds.com



Morten Nissen
Partner, Copenhagen

Co-head of Global Competition & EU Group
+45 2 759 3204
morten.nissen@twobirds.com

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