

October 2022

Competition & EU

Competitive Edge

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

In Focus



Peter Willis
Partner, London
[Contact](#)

Competition damages update

More than 5 years have passed since the EU Competition Damages Directive 2014/104 entered into force. We have reported on the emerging case-law a couple of times since then. In our latest update, private enforcement expert Peter Willis reports on the most recent cases, many arising from the trucks cartel, which develop some of the themes covered in earlier cases. Peter comments on the recent judgments on issues such as limitation periods and liability of individual companies within corporate groups. One of the most interesting recent cases concerns the requirement to disclose evidence in competition damages proceedings – an area of great practical importance for both claimants and defendants, where the practice and procedures of the national courts show perhaps the least harmonization and where the Directive has the potential to make a significant difference.

[Read the full story](#)

Updates from our jurisdictions

EU

The Informal Guidance Notice: a second life?

[Read the full story](#)

For more information, please contact [Jose Rivas](#) or [Olga Markarian](#)

Australia

ACCC Chair outlines key priorities for the year ahead

[Read the full story](#)

For more information contact [Thomas Jones](#) or [Matthew Bovaird](#)

Belgium

One Flew Over the Pigeon's Nest – Belgian Competition Authority imposes interim measures on the Belgian Colombine Federation in the context of standard setting

[Read the full story](#)

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

China

Update on Merger Control Filing under New Anti-Monopoly Law in China

[Read the full story](#)

For more information contact [Serena Du](#) or [Sven-Michael Werner](#)

Czech Republic

A historical first internal compliance program leads to reduced fine by Czech Competition Office

[Read the full story](#)

For more information contact [Vojtěch Chloupek](#) or [Martin Talmr](#)

Denmark

Volvo transaction not in need of repairs despite high market shares

[Read the full story](#)

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

Finland

Finland adopts new merger control thresholds

[Read the full story](#)

For more information, please contact [Katia Duncker](#), [Petteri Metsä-Tokila](#) or [Maria Karpalhakis](#)

France

TF1/M6: no honeymoon for the two French media heavyweights

[Read the full story](#)

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

Italy

Record fine of 173.3 million euros against Apple and Amazon annulled in court due to prolonged investigation

[Read the full story](#)

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

Netherlands

Concentrations in the healthcare sector in the Netherlands: futureproof?

[Read the full story](#)

For more information, please contact [Pauline Kuipers](#), [Reshmi Rampersad](#) and [Tialda Beetsla](#)

Singapore

Growing Focus on Competition and Sustainability

[Read the full story](#)

For more information, please contact [Sandra Seah](#)

Spain

CNMC advocates for the deregulation of the mobile termination market

[Read the full story](#)

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

Bird & Bird tools for you



EU Whistleblowing Directive Implementation tracker

This tracker aims to provide you with up to date information regarding changes implemented to the **Whistleblowing Directive** as legislation evolves.

Additionally, the implementation tracker contains information about the approach to implementation by all EU Member States, categorising EU members that have:

- *'Legislation passed/Directive implemented'*
- *'Implementation in progress'* and
- those who have *'No steps taken to implement the Directive'*.

[Click here to access the tracker >>](#)

[More information on the Whistleblowing Directive >>](#)

To our readers in the Nordic countries: you may be interested in attending one of our upcoming seminars on this topic.

Whistleblowing & Investigations – A Nordic perspective (in-person events):

- [9 November - Seminar in Stockholm >>](#)
- [1 December - Seminar in Helsinki >>](#)

Podcasts



Competitive Edge

The Podcast

Episode 7: Digital Platform Regulation in Australia

In this episode [Matteo Bovaird](#) and [Dylan McGirr](#) from Bird & Bird's Sydney office discuss the regulation of digital platforms in Australia, an area where the ACCC has been at the vanguard of regulation. They explain what started the trend of digital platform regulation in Australia and why this is such a topical area, before exploring the discussion paper for 'Interim Report No. 5' of the ACCC's *Digital Platform Services Inquiry*. This discussion paper considers whether Australia's competition and consumer laws are appropriate to tackle the particular challenges of big tech.

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

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

Webinars & events



Florence Competition Autumn School 2022

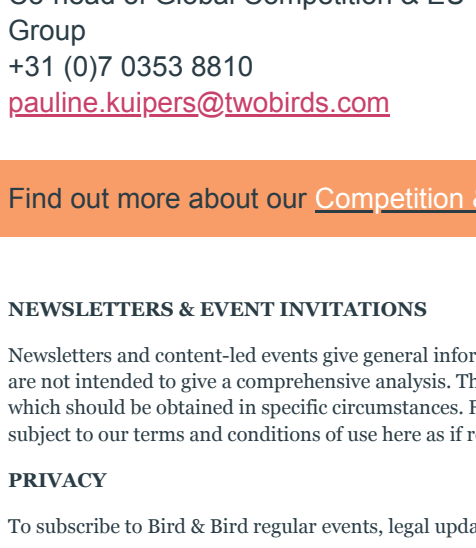
24 - 27 October
Fiesole (Florence), Italy

The 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. Programme available [here](#).

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

[Watch an introduction video here >>](#)

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



Advanced EU Competition law conference

21 - 23 November
Hotel Le Plaza, Brussels, Belgium

Once again we are proud to sponsor this key event for the Brussels competition law community, organised by Informa Connect. The conference will bring together regulators, in-house counsel, lawyers and economists to dissect current policies and shape strategies for the future.

Day one will focus on the Digital Economy. Our Brussels-based competition partner [Hein Hobbelen](#) will present on **Dawn Raids and the DMA** (Digital Markets Act).

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



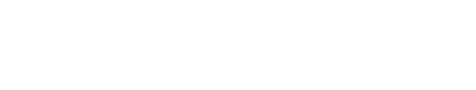
LEAR Competition Festival 2022 - Videos of sessions now available

This year's edition of the Lear Competition Festival boasted more than 80 speakers and 28 sessions, and drew nearly 300 participants, including representatives from competition authorities, regulatory agencies, international organizations, universities, law firms and companies.

Video recordings of the sessions are now available on the event's website. Don't miss the lively debate chaired by our Copenhagen-based competition partner [Morten Nissen](#) on the topic of **Recent Antitrust Developments in the EU and the US** with panelists [Assimakis Komninos](#) and [William E. Kovacic](#).

[Access all the videos from the event here >>](#)

Bird & Bird news, articles & publications



Warsaw-based Senior Associate recognised in Expert Guides

We are delighted to announce that [Szymon Golebiewski](#) has been recognized as a Rising Star by [Legal Media Group Expert Guides](#) in the Competition and Antitrust category. The Expert Guides recognise the world's leading lawyers chosen by their peers.

The Rising Stars list features the brightest and most talented practitioners in the area of business law and related practices who are under 40 and have already been recognised for their work on important transactions.

[Read more here >>](#)

CMA finds Rangers FC infringed competition rules by fixing the retail price of replica kits

The UK's Competition and Markets Authority has issued its final decision, fining Rangers, Elite Sports and JD Sports for retail price maintenance involving replica football shirts. Our London-based competition law legal director [Saskia King](#) has put together a helpful one-page summary of the decision.

[Read the summary here >>](#)

Our Dutch competition team provides case comments on three Dutch cases

[Pauline Kuipers](#), [Reshmi Rampersad](#), [Joost van Roosmalen](#), [Matteo Stainer](#) and [Sander Wagemakers](#) provided case comment(s) on three Dutch court decisions:

- [Court of Appeal, ECLI:NL:GHAMS:2022:1512 - Buma / Stemma, 24 May 2022](#)
- [Lower court, ECLI:NL:RBROT:2022:2284 - T-Mobile, 31 March 2022](#)
- [Lower Court, ECLI:NL:RBROT:2021:6636 - Elevator cartel, 23 June 2021](#)

The comments will be published in the **Concurrences e-Competitions bulletin** and referenced in the upcoming 2023 edition of the **European Competition Law Handbook**.

The Pharmaceutical Intellectual Property and Competition Law Review

Our competition partner [Peter Willis](#), with colleagues [Sally Snorhose](#), [Chris de Mauny](#) and [Pier Miguel Frasmus](#), have authored the UK chapter for **The Pharmaceutical Intellectual Property and Competition Law Review**. The chapter provides a practical overview of pharmaceutical intellectual property issues, including patent linkage and exclusivities, and related competition concerns, as well as an analysis of the relevant legal and regulatory issues.

[Click here to access the chapter >>](#)

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