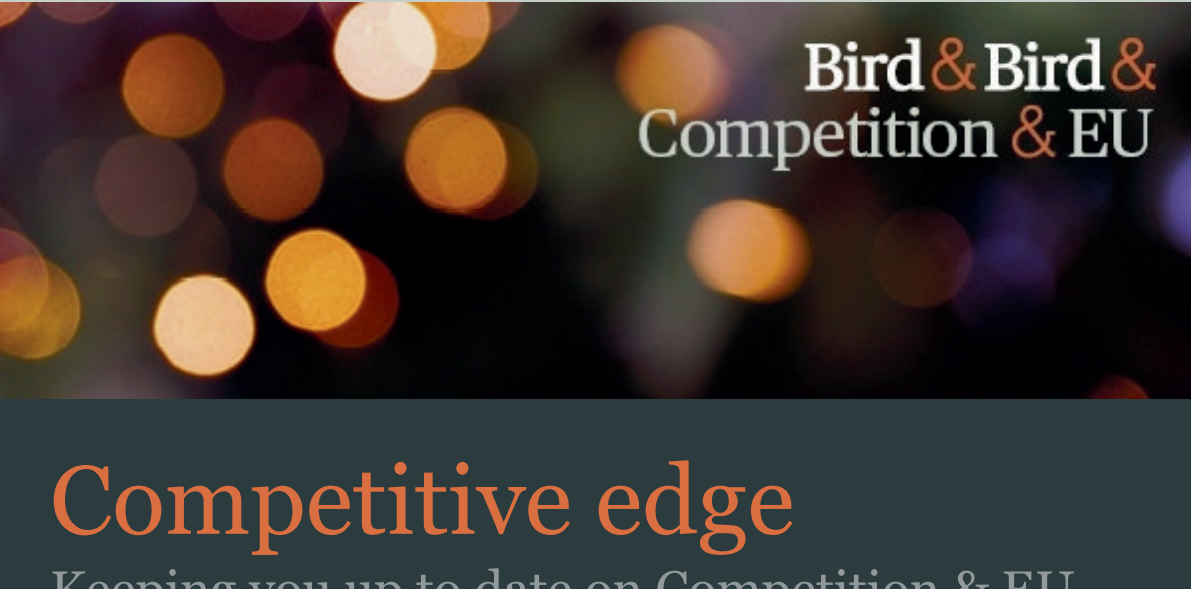


If you would like to sign up to receive this newsletter, please click [here](#).

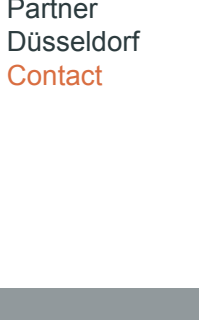
December 2021



Competitive edge

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

In focus



Dr. Stephan Waldheim
Partner
Düsseldorf
[Contact](#)

When the chips are down: Allocating short supplies in times of crisis

Semiconductors are in short supply. Companies from virtually all sectors, including most notably electronics and automotive, are struggling with meeting customer demand. In response to the crisis. Many have taken a pro rata approach to allocating short supplies, i.e. the remaining quantities are allocated proportionally amongst all customers, based on the customers' forecasts. While sharing the pain seems intuitive in times of crisis, the competition law risks, as well as opportunities, involved seem underexposed in the current debate.

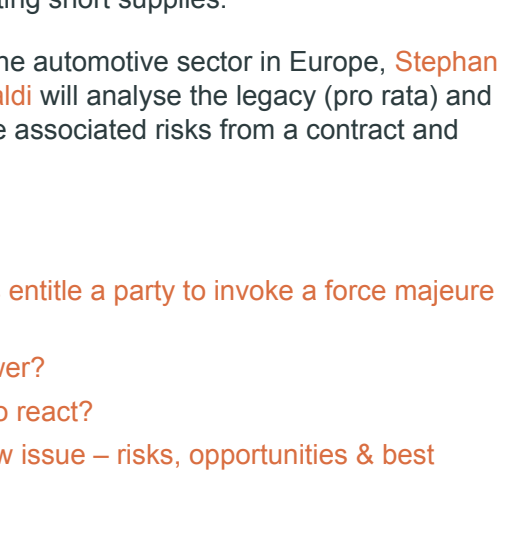
This article provides answers to some of the most pressing competition law questions surrounding the current chip crisis and advocates a more flexible approach to dealing with it. [Read more >>](#)

Legal challenges surrounding the current chip crisis – an overview

Webinar

10 February 2022 13:00-14:00

Companies from virtually all sectors, including most notably electronics and automotive, are struggling to meet customer demand in the current chip crisis. While sharing the pain seems intuitive in times of crisis, companies often overlook the legal risks and opportunities involved in allocating short supplies.



Based on experience obtained particularly in the automotive sector in Europe, [Stephan Waldheim](#), [Philipp Egler](#) and [Gian Marco Rinaldi](#) will analyse the legacy (pro rata) and alternative allocation methods, and classify the associated risks from a contract and competition law perspective.

Issues discussed in this webinar include:

- Does the shortage of semiconductor chips entitle a party to invoke a force majeure clause?
- In times of shortage, is allocation the answer?
- Price increases during a shortage – how to react?
- When shortage becomes a competition law issue – risks, opportunities & best practices for suppliers and customers

Find out more and register for this [free webinar hosted by Lexology >>](#)

Updates from our jurisdictions

EU

When taking the lead may become problematic – Lead registration programmes under scrutiny >>

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

Australia

ACCC will not oppose Turnitin's proposed acquisition of Ouriginal >>

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

Czech Republic

Publishing average hourly rates breaches competition rules >>

For more information contact [Vojtěch Chloupek](#) or [Jiří Švejda](#)

France

Damages in follow-on actions: more accurate assessments ahead >>

For more information contact [Thomas Oster](#) or [Elliott Costet](#)

Italy

Quantitative restrictions in e-commerce agreements: Amazon and Apple fined for more than EUR 200 million by the Italian Competition Authority >>

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

Poland

The largest Polish wholesaler fined for unfair use of its contractual advantage >>

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

Netherlands

The Dutch Competition Authority ends its investigation into a possible wage-fixing cartel between Dutch supermarkets >>

For more information contact [Pauline Kuipers](#) or [Matteo Stainer](#)

Spain

Year-in-review - Spanish competition law in 2021 >>

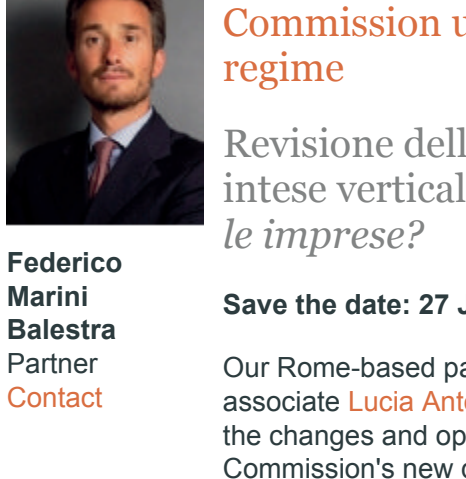
For more information contact [Candela Sotés](#)

UK

More clarity on the future UK VABEO for supply chain agreements >>

For more information contact [Ariane Le Strat](#)

Podcasts, Webinars & Events

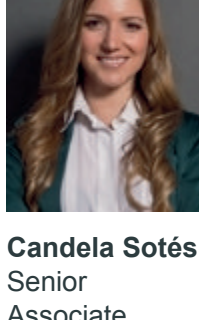


Competitive Edge The Podcast

Episode 3: Key changes of the Draft EU VBER

In this 10-minute podcast competition counsel [Päivi Tammilehto](#) (Helsinki) and senior associate [Ariane Le Strat](#) (London) discuss the key changes set out in the draft EU VBER (Vertical Block Exemption Regulation) which will come into force in May 2022, upgrading the terms of safe harbour available to supply chain agreements across the EU.

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



Thomas Oster
Partner
[Contact](#)

Webinar - France - The European Commission updates its distribution regime

La Commission actualise son règlement en matière de distribution: *ce que vous devez retenir*

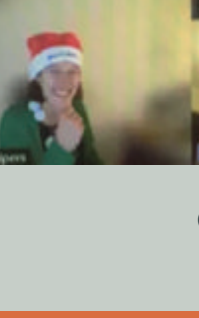
13 January 12:00 - 13:00 CET

Our Paris-based partner [Thomas Oster](#) and senior associate [Claire Burlin](#) will walk you through the changes and opportunities arising out of the EU Commission's recently published draft Vertical agreement Block Exemption Regulation (VBER) and accompanying guidelines.

The focus will be on how businesses can adapt their distribution agreements to seize opportunities under the new regime while remaining compliant with competition rules.

Find out more [here >>](#)

Register for the free webinar (in French) [here >>](#)



Federico Marini Balestra
Partner
[Contact](#)

Webinar - Italy - The European Commission updates its distribution regime

Revisione della disciplina europea delle intese verticali: *quali novità in arrivo per le imprese?*

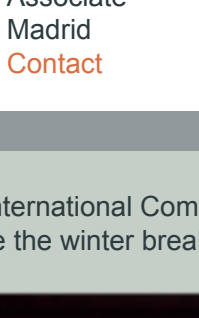
Save the date: 27 January

Our Rome-based partner [Federico Marini Balestra](#) and associate [Lucia Antonazzi](#) will hold a webinar in Italian on the changes and opportunities arising out of the EU Commission's new draft Vertical agreement Block Exemption Regulation (VBER) and accompanying guidelines.

Look out for more information in the January edition of our newsletter.

To save your place now write to events@twobirds.com

Bird & Bird news



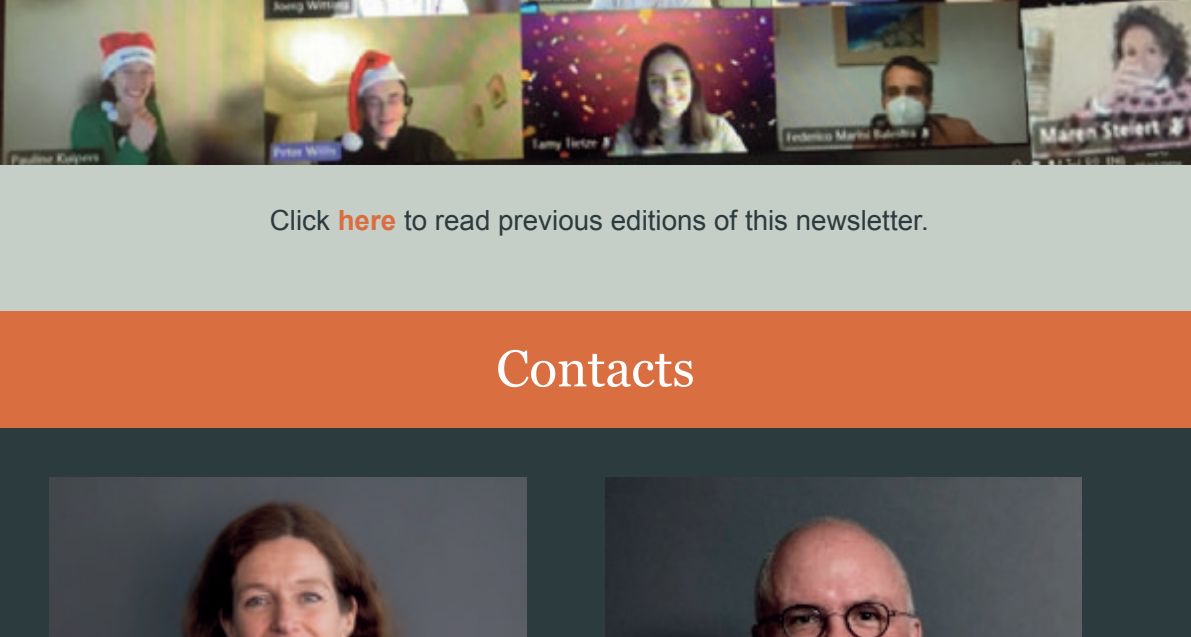
Candela Sotés
Senior Associate
Madrid
[Contact](#)

Congratulations!

Congratulations to our senior associate [Candela Sotés Macaya](#), who was listed in the Inaugural Edition of **Best Lawyers: Ones to Watch in Spain** in the *EU law* category.

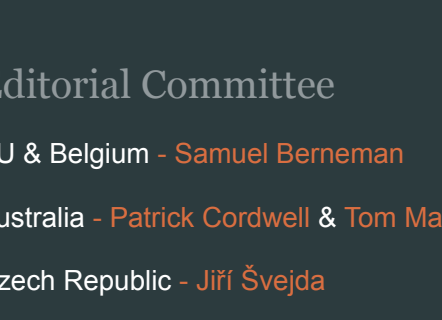
For more information click [here >>](#)

Our international Competition & EU group got together for a fun virtual **Holiday Pub Quiz** just before the winter break. Do you recognise your local competition adviser decked out in holiday gear?



Click [here](#) to read previous editions of this newsletter.

Contacts



Pauline Kuipers
Co-head of Global Competition & EU Group
+31 (0)7 0353 8810
pauline.kuipers@twobirds.com



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

Editorial Committee

- EU & Belgium - [Samuel Berneman](#)
- Australia - [Patrick Cordwell](#) & [Tom Macken](#)
- Czech Republic - [Jiří Švejda](#)
- Denmark - [Frederik Haugsted](#) & [Alexander Bröchner](#)
- Finland - [Päivi Tammilehto](#)
- France - [Elliott Costet](#)
- Germany - [Maren Steiert](#) & [Tamy Tietze](#)
- Hungary - [Dániel Arányi](#) & [Gábor Kulai](#)
- Italy - [Lucia Antonazzi](#)
- Netherlands - [Joost van Roosmalen](#)
- Poland - [Marcin Alberski](#) & [Stanislaw Szymanek](#)
- Singapore - [Jonathan Kao](#)
- Spain - [Candela Sotés](#)
- Sweden - [Catherine Laflamme Jansson](#)
- UK - [Ariane Le Strat](#) & [Amy Donlevey](#)

Find out more about our [Competition & EU Practice](#) and follow us on [LinkedIn](#)

NEWSLETTERS & EVENT INVITATIONS

Newsletters and content-led events give general information only as at the date of first publication and/or the date of the event, and are not intended to give a comprehensive analysis. They should not be used as a substitute for legal or other professional advice, which should be obtained in specific circumstances. Furthermore, information in our newsletters and from our events is provided subject to our terms and conditions of use here as if references to the website were to also to such content.

PRIVACY

To subscribe to Bird & Bird regular events, legal updates and newsletters please [click here](#). Opting out of receiving marketing communications will not affect our continuing communications with you for the provision of our legal services. To change your contact details or for any queries, please contact our [CRM Team](#). This communication is personal to you. If you forward an invitation / newsletter / publication via email, you will be sharing a pre-populated form with your name and contact details. In addition, the recipient of an email forwarded marketing communication will be able to access your marketing preferences and make changes to your profile in our CRM system. We therefore advise you to use the 'Forward to a colleague' button listed at the top or bottom of this communication, which will issue the recipient with a blank form if you would like to send this on.

Our privacy policy, which describes how we handle personal information and the use of cookies, is available [here](#).

BIRD & BIRD

For information on the international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses (together "Bird & Bird"), our offices, our members and partners, regulatory information, complaints procedure and the use of e-mail [click here](#). Any e-mail sent from Bird & Bird may contain information which is confidential and/or privileged. Unless you are the intended recipient, you may not disclose, copy or use it; please notify the sender immediately and delete it and any copies from your systems. You should protect your system from viruses etc.; we accept no responsibility for damage that may be caused by them.

Bird & Bird LLP, a limited liability partnership, registered in England and Wales with registered number OC340318, with its registered office and principal place of business at 12 New Fetter Lane, London EC4A 1JP, is authorised and regulated by the Solicitors Regulation Authority, whose professional rules and code may be found [here](#).

A list of members of Bird & Bird LLP and of any non-members who are designated as partners, being lawyers or other professionals with equivalent standing and qualifications, and of their respective professional qualifications, is open to inspection at its registered office.

[Forward to a colleague](#)