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September 2021



Competitive edge

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

Dear readers,

Following the COVID-19 outbreak, the European Union has launched the NextGenerationEU ("NGEU"), the largest package of economic stimulus measures to boost the recovery of the European economies. The key instrument is the Recovery and Resilience Facility ("RRF"), which involves 750 billion euros – 390 billion in grants and 360 billion in loans – aimed at repairing the immediate economic and social damage brought about by the pandemic by building a greener, more digital and more resilient Europe.

This edition of our newsletter explores the application of the RRF in the Member States and covers the status and sector focus of the Member States' submissions for recovery and resilience plans on the usage of the grants. As we will explain, companies receiving payments in the context of a national recovery and resilience plan should be mindful that they will need to comply with EU state aid rules.

Also in this edition you will find a link to a short podcast on Financial Services & Competition Law in which our London-based Legal Director Dr. Saskia King discusses how collaboration in the Financial Services sector may fall foul of competition law, the asymmetric impact of PSD2 and the hot topic that is Open Banking.

Happy reading – and as always – please let us know should you have any specific topics you wish the *Competitive Edge* newsletter or podcasts to cover.

Best wishes,

The Editorial Committee

In focus



NextGenerationEU funds and National Recovery and Resilience Plans

The European Commission has launched its largest package of economic stimulus measures to speed up the recovery of EU economies damaged as a result of the COVID-19 pandemic, the so-called **NextGenerationEU**. The flip side of the coin is that recipient companies must be very mindful that the European State aid and competition rules come with important compliance obligations that need to be observed in order to avoid possible later recovery of the aid. [Read more >>](#)

For more information contact José Rivas, Morten Nissen and Ana Manzanogue

Updates from our jurisdictions

Belgium

Belgium's National Recovery and Resilience Plan to stimulate transition towards a more sustainable, smart and inclusive economy

The Recovery Plan embraces the EU's priorities and main challenges in response to the COVID-19 crisis. With its plan, Belgium aims to accelerate transition towards a more sustainable, smart and inclusive economy, while also enhancing social, economic and climate transition... [Read more >>](#)

For more information contact Hein Hobbelen, Baptist Vleeshouwers and Samuel Berneman

Czech Republic

Green and digital future in the Czech Republic under the recovery and resilience plan?

The Czech Recovery Plan addresses common European challenges by embracing the green and digital transitions, to strengthen economic and social resilience and the cohesion of the Single Market. In particular, the Czech Recovery Plan will foster digitalisation, protect... [Read more >>](#)

For more information contact Vojtěch Chloupek and Jiří Švejda

Denmark

Denmark's Recovery and Resilience Plan aims to accelerate the green transition

The Danish RRF plan has aptly been subtitled "accelerating the green transition", as it, in combination with national stimulus funds, aims at ensuring a swift and green recovery from the consequences of the COVID-19 pandemic... [Read more >>](#)

For more information contact Morten Nissen and Alexander Bröchner

Finland

Finland's Recovery and Resilience Plan will come under review of the European Council in September 2021

Finland's Recovery and Resilience Plan was published on 26 May 2021 and it is envisaged to boost investment in emissions-reducing solutions, accelerate sustainable growth in the economy, and create long-term growth potential. Half of the funding involved will be for promoting [Read more >>](#)

For more information contact Päivi Tammilehto

France

French recovery and resilience plan: how does France intend to use its €39.4 billion of EU funding?

On 13 July 2021, the European Council approved France's national recovery and resilience plan ("NRRP") which outlines the recovery investments for which France is seeking European funding. This NRRP was formally submitted in late April 2021 to the EU Commission which... [Read more >>](#)

For more information contact Thomas Oster and Elliott Costet

Germany

German Recovery and Resilience Plan – An exemplary role in Europe?

The NextGenerationEU programme which was established by the European Union to support Europe's recovery from the COVID-19 pandemic also took concrete shape in Germany. The 25.6 billion euros in grants awarded to Germany aim at helping the country to become... [Read more >>](#)

For more information contact Dr. Stephan Waldheim

Hungary

Health and Sustainable Transportation at the heart of Hungary's Recovery and Resilience Plan

Hungary plans to channel the HUF 2,511 billion (EUR 7 billion) it expects to receive in the frame of the Recovery and Resilience Facility ("RRF") under the NextGenerationEU initiative to finance investments primarily in the health sector and sustainable transportation according to... [Read more >>](#)

For more information contact Dániel Arányi or Rebeka Szopkó

Italy

The highest amount of the NextGenerationEU funds is coming to Rome! How is Italy planning to use its trophy?

Among the European Union Member States, Italy is by far the largest beneficiary of the NextGenerationEU ("NGEU") package, which, with its 750 billion euros funds, constitutes the largest stimulus package ever financed by the EU... [Read more >>](#)

For more information contact Federico Marini Balestra

Netherlands

No Dutch recovery and resilience plan (yet)

The Netherlands has not yet submitted its national recovery plan to the European Commission. In a letter dated 30 April 2021 – the due date for submission – the Dutch Minister of Economic Affairs and the Minister of Finance informed the Executive Vice-President of the European Commission that they... [Read more >>](#)

For more information contact Pauline Kuipers and Manuela Cox

Poland

Pending approval for Polish recovery and resilience plan

The Recovery Plan contains a set of reforms and public investment projects Poland intends to implement with RRF support. The achievement of goals under the Recovery Plan is foreseen until 2026. The Recovery Plan is structured around five economic pillars... [Read more >>](#)

For more information contact Piotr Dynowski and Marcin Alberski

Spain

Spanish Recovery Plan focuses on a greener, more digital, gender-neutral and cohesive economy

The Recovery Plan traces the roadmap for the modernisation of the Spanish economy, the recovery of economic growth and job creation, for the solid, inclusive, and economic reconstruction after the Covid-19 sanitary crisis, and to respond to challenges of the next decade. [Read more >>](#)

For more information contact Candela Sotés

Sweden

Pending approval, green recovery is at the forefront of the Swedish recovery plan

The Swedish government has applied for approximately €3.2 billion (SEK 34 billion). Sweden's recovery plan is however yet to be accepted by the Commission. The approval is predicted by the end of September, but the wait may be prolonged... [Read more >>](#)

For more information contact Morten Nissen and Catherine Laflamme Jansson


The UK

The UK's new Subsidy Control Regime

Following the UK's EU exit, the UK government committed to introducing new rules for authorities that award subsidies to businesses. After eight weeks of consultation the UK government published the Subsidy Control Bill and consultation response on 30 June 2021. The rules are... [Read more >>](#)

For more information please contact Peter Willis

Podcasts, Webinars & Events



Financial Services & Competition Law Podcast

Our Financial Services Group has produced a series of podcasts on various topics in the Financial Services industry.

As part of this series, London-based Competition Legal Director **Dr Saskia King** discussed how collaboration in Financial Services may fall foul of competition law, the asymmetric impact of PSD2 and the hot topic that is Open Banking.

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



Podcasts

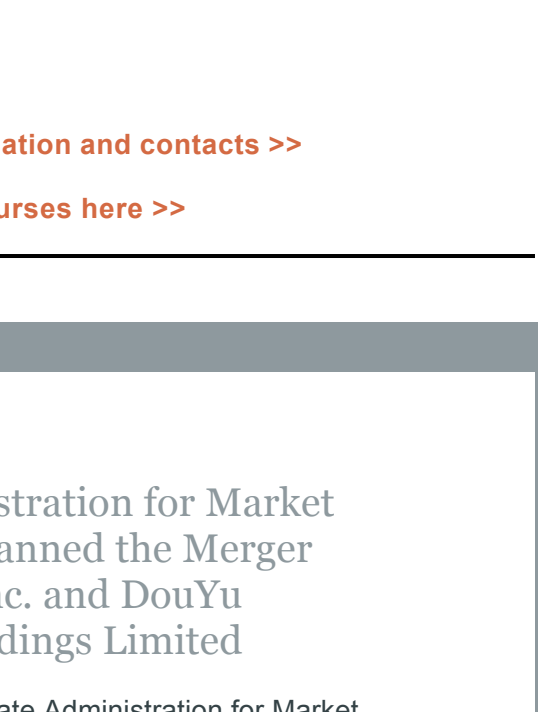
Powered by Bird & Bird

Dr Saskia King is a competition enforcement specialist, having joined Bird & Bird from the Payment Systems Regulator (PSR) where she was a senior lawyer leading the PSR's first competition cartel investigation in the payments space.

Florence Competition Autumn School

Recent Developments in Competition Policy

3 - 7 October 2021



The Autumn School is an advanced course on recent developments in competition policy in Europe, the USA and the rest of the world. The Autumn School follows an inter-disciplinary approach: instructors are well-known academics, practitioners and competition agency representatives, both lawyers and economists. As well as in-person lectures, the Autumn School includes preliminary online activities and daily group exercises.

Partner **Hein Hobbelen** will give a lecture on "Leniency and dawn raids" and organise a group exercise on dawn raids on 6 October, together with Senior Associate **Baptist Vleeshouwers**.

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



Florence Competition Autumn Conference

Classics Revisited: Market Definition, Horizontal and Vertical Agreements

8 October 2021

This conference, organised by *The European University Institute (EUI)* and *Assonime* aims to gather academics, practitioners, officials from national competition authorities, EU institutions, as well as industry representatives to discuss whether and to what extent EU competition rules should be updated to meet the challenges raised by the digital economy and to ensure closer coordination with EU environmental, industrial and trade policies.

In particular, the Florence Competition Autumn Conference will focus on the recent review by the European Commission of the Market Definition Notice (see our ongoing article [here](#)) as well as of the Guidelines and Block Exemption Regulations on Vertical Agreements and Horizontal Cooperation Agreements.

Partner **Hein Hobbelen** will participate in the panel, concerning the **Revision of the Market Definition Notice**.

[For more information and to register click here >>](#)

News & publications



Competition Compliance training in your local language

Prevention is key.

Fines for competition law violations have reached unprecedented heights in recent years and an increasing number of countries have introduced criminal sanctions for serious competition law violations.

Does your company need to **strengthen its compliance programme** or simply provide **refresher courses** to ensure competition law compliance by management and staff?

Our 3 'basic' eLearning courses focus on the most important topics that employees need to be aware of:


1. **Supply & Distribution** (30 minutes)
2. **Dealing with Competitors** (30 minutes)
3. **Dominant companies** (15 minutes)

These courses are now available in 6 languages:

- English
- Dutch
- French
- German
- Italian
- Spanish

[Visit our eLearning page for more information and contacts >>](#)

[Watch demo videos of the eLearning courses here >>](#)

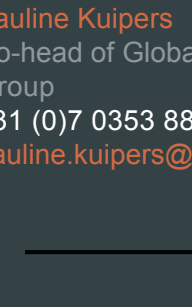


China

The State Administration for Market Regulation Has Banned the Merger between HUYA Inc. and DouYu International Holdings Limited

On July 10, 2021, The State Administration for Market Regulation (SAMR) announced its decision to prohibit the merger between HUYA Inc. and DouYu International Holdings Limited. This is the third case prohibited, after the first Coca-Cola acquisition of Huiyuan... [Read more >>](#)

This update was provided by our partner *Allbright Law Offices China*.



New framework for Standard-Essential Patents and European Competition law

On 14 July, the European Commission announced its proposal 'Intellectual property - a new framework for standard-essential patents' (SEPs). The objective of the Commission is to create a fair and balanced licensing framework, and it may combine the adoption of legislative and non-legislative actions.

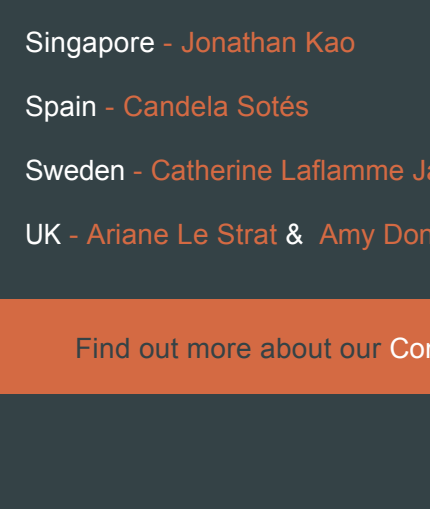
In his "News from Brussels" column in this month's issue of *Iberian Lawyer* magazine, José Rivas explains the Commission's plans for standard-essential patents (SEPs), patent pools, and how competition law infringements can be avoided.

[Read the article in English >>](#)

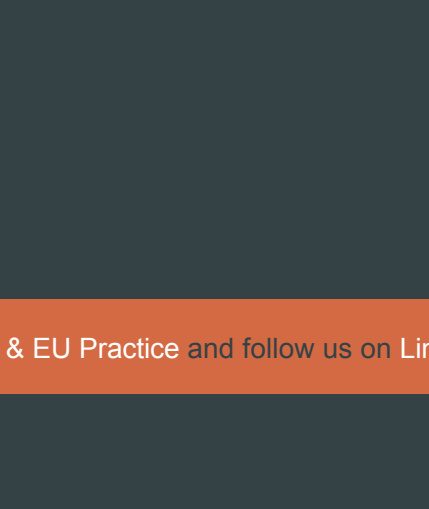
[Read the article in Spanish >>](#)

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