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January 2022



Competitive edge

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

In focus



Antitrust Outlook 2022 – what’s in the stars for big tech, sustainability and competition in general?

2021 brought about many significant new developments in EU competition law, including landmark judgments from the EU Courts such as those in *Google Shopping*, *Sumal and Slovak Telekom*, as well as Commission work products such as the revised guidance on Article 22 of the Merger Regulation, the proposal for a new Vertical Block Exemption Regulation and multi-level debates about the proposed regulation of big tech and the European Green Deal.

2022 does not show signs of slowing down. In this article [Pauline Kuipers](#), [Morten Nissen](#), [Alexander Bröchner](#) and [Joost van Roosmalen](#) take a closer look at some of the main developments in EU competition law expected to take place in the new year. [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 [Jonathan Speed](#) 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

MEPS fine-tune proposed new rules on foreign subsidies to fill a 'regulatory gap' disadvantaging EU companies >>

For more information contact [Hein Hobbelen](#), [Francine Cunningham](#) or [Samuel Berneman](#)

Australia

The ACCC to move in a new direction with the appointment of Gina Cass Gottlieb as chair? >>

For more information contact [Thomas Jones](#) or [Jeff Tian](#)

Czech Republic

The Czech Office imposed a record fine of EUR 4 million for vertical resale price agreements >>

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

Denmark

Software suppliers beware of multiyear irrevocable contracts – Commitments to DCCA by dominant supplier of software >>

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

Finland

The Finnish Competition and Consumer Authority closed its country-wide taxi probe without sanctions >>

For more information contact [Katia Duncker](#) or [Aarne Puisto](#)

France

New sanction decision pronounced by the French Competition Authority for minimum advertised prices and online sales restrictions >>

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

Germany

German Federal Cartel Office (“FCO”) publishes “self-cleaning” guidelines >>

For more information contact [Dr. Stephan Waldheim](#) or [Maren Steiert](#)

Hungary

Competition authority’s accelerated sector inquiries are becoming a trend in Hungary >>

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

The GVH amended its Merger Control Notice with practical clarifications >>

For more information contact [Dániel Arányi](#), [Gábor Kutai](#) or [Adél Gelencsér](#)

Italy

Amazon fined for over 1 billion euro for abuse of dominant position in Italy >>

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

Netherlands

Dutch competition watchdog orders Apple to amend App Store payment terms for in-app purchases in dating apps >>

For more information contact [Pauline Kuipers](#) or [Joost van Roosmalen](#)

Poland

UOKiK fines companies involved in two Polish truck dealer cartels >>

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

Singapore

New Guidance Note on Business Collaborations in Singapore >>

For more information contact [Sandra Seah](#)

Spain

CNMC imposed a fine of EUR 1.25 million for setting minimum brokerage commissions in the real estate sector >>

For more information contact [Candela Sotés](#)

UK

New National Security and Investment Regime enters into force >>

For more information contact [Peter Willis](#), [Anthony Rosen](#), [Ariane Le Strat](#) or [Amy Donlevey](#)

The CMA Consults on its Annual Plan for 2022/23 >>

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

Webinars & Events



Webinar - Italy - The European Commission updates its distribution regime

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

Federico Marini Balestra
Partner
Contact

27 January 9:30-10:30 CET

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

The focus will be on how businesses can adapt the new regime while remaining compliant with competition rules.

For more information and to register for the free webinar (in Italian) [click here >>](#)



Webinar recording - France - The European Commission updates its distribution regime

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

Thomas Oster
Partner
Contact

On January 13 our Paris-based partner **Thomas Oster** and senior associate **Claire Burlin** walked participants through the changes and opportunities arising out of the EU Commission’s recently published draft Vertical agreement Block Exemption Regulation (VBER) and accompanying guidelines.

Watch the recording (in French) [here >>](#)

GCR Live: Telecoms, Media & Technology 2022 conference

Tuesday 15 March
London

Bird & Bird is proud to sponsor this conference, which will bring together government enforcers, in-house counsel, economists and private practice lawyers to debate the latest developments in the digital sector. Programme topics include:

- Digital regulation: will regulators ever catch up?
- Breaking down the walled garden: the limits of antitrust?
- Tech mergers: between reform and new theories of harm
- Privacy and competition enforcement: the age of cooperation?

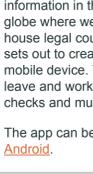
Our Brussels-based partner [Anne Federle](#) will join the panel on privacy and competition enforcement, which will discuss topics such as concerns about privacy washing, incorporating privacy concerns in an antitrust theory of harm, interactions between competition and privacy regulators and lessons learned from recent cases including the UK Google Privacy Sandbox and Apple’s app tracking transparency.

Registration is free for in-house counsel and government representatives.

More information and registration [>>](#)



News & publications



Bird & Bird partner José Rivas interviews the Head of the Spanish Competition Authority

As editor-in-chief of the *World Competition* (Kluwer), Competition & EU partner **José Rivas** recently interviewed the Head of the Spanish National Competition Authority Mrs Cani Fernández. The interview is featured in *World Competition* Volume 44, num. 4.

Read the interview [here >>](#)

Bird & Bird launches Employment Law Zone app 2.0

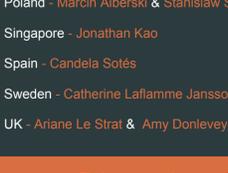
Our [International HR Services team](#) are proud to announce the launch of the Employment Law Zone app 2.0.

The Employment Law Zone is a one-stop source of essential employment law information in the countries around the globe where we offer employment law advice. It is useful for HR professionals and in-house legal counsel who need to understand the legal landscape in many countries and sets out to create a quick reference guide, which is easily accessible anywhere from a mobile device. The Q&A includes 55 topics and 19 countries. Topics range from parental leave and working hours to discrimination, trade unions, vacation, salary, background checks and much more.

The app can be accessed [online](#) and is available to download on both [Apple](#) and [Android](#).

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

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