

Strategic use of Competition Law

Jose Rivas, partner, Belgium.

Competition law traditionally applies to two types of companies. Large corporations are very well aware of the fact that infringing competition law can have very severe consequences for them. But there is another side of our practice that consists in helping companies of lesser size that want to expand and grow in the market. Sometimes they need to complain about the behaviour of other well-established companies in the market, and that helps them in their strategy to grow.

There are two unique features of Bird & Bird in the field of competition law. The first one is the sector expertise. We in the EU and Competition team, team up with our colleagues in other business sectors, like IT or like life sciences. That combination allows us to understand markets to a depth and degree that it is not common in many other competition practices.

Probably the second characteristic that is unique of Bird & Bird is our geographic coverage. We have partner level expertise in each of the jurisdictions where we are established. That allows us to practice national competition laws with the Bundeskartellamt in Germany or with the Autorite de la Concurrence in France. In addition to this we have a unique anti-trust practice in Brussels to cover European issues.

It is a very interesting area, things are moving very rapidly, and just to illustrate the point, we do not know 100% certain at this point in time how the control, for example, of Big Data is going to play in the marketplace. What type of restrictions in the behaviour of other competitors in the market will happen in the near future. But, for sure, this is an area of development in the field of competition law.

Competition law can be used as a shield and as a sword. We assist our clients more in the aggressive use of competition law, and one unique feature of what we do in competition law in Bird & Bird is to help clients to enter new markets, to expand their traditional territories. Competition law in Asia is a growing area of practice for us. What we are witnessing is that any countries in this part of the world are using European precedents; they are modelling the national competition laws in the competitions laws in Europe. And just to give you an example, we are assisting our Malaysian colleagues in the first competition law case in Kuala Lumpur.

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