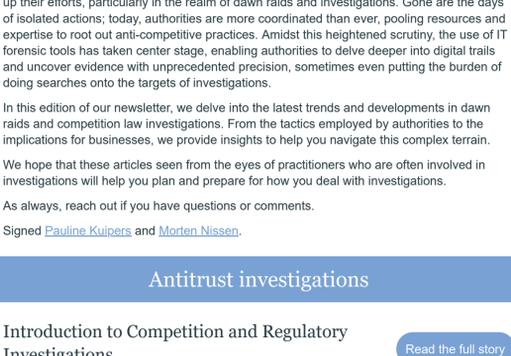


## Competitive Edge

## Investigations

### Competitive Edge - Special edition

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



Dear readers,

In the ever-evolving landscape of competition law, it's essential to stay ahead of the curve. As we navigate the post-Covid era, competition authorities worldwide have significantly ramped up their efforts, particularly in the realm of dawn raids and investigations. Gone are the days of isolated actions; today, authorities are more coordinated than ever, pooling resources and expertise to root out anti-competitive practices. Amidst this heightened scrutiny, the use of IT forensic tools has taken center stage, enabling authorities to delve deeper into digital trails and uncover evidence with unprecedented precision, sometimes even putting the burden of doing searches onto the targets of investigations.

In this edition of our newsletter, we delve into the latest trends and developments in dawn raids and competition law investigations. From the tactics employed by authorities to the implications for businesses, we provide insights to help you navigate this complex terrain.

We hope that these articles seen from the eyes of practitioners who are often involved in investigations will help you plan and prepare for how you deal with investigations.

As always, reach out if you have questions or comments.

Signed [Pauline Kuijpers](#) and [Morten Nissen](#).

### Antitrust investigations

#### Introduction to Competition and Regulatory Investigations

[Read the full story](#)

For more information or further guidance in this area, please contact [Pauline Kuijpers](#), [Morten Nissen](#), [Reshmi Rampersad](#), [Tenisha Cramer](#) or [Maria Karpathakis](#).

#### Forensic Finesse: Navigating Competition and Regulatory Dawn Raids and Requests for Information

[Read the full story](#)

For more information or further guidance in this area, please contact [Jakub Kur](#), [Marcin Miazga](#) or [Anne Federle](#).

#### Tips & tricks for cooperating with the forensic IT team during competition law or regulatory investigations

[Read the full story](#)

For more information or further guidance in this area, please contact [Anne Federle](#), [Baptist Vleeshouwers](#), [Pauline Kuijpers](#) or [Tjaldia Beetsra](#).

#### Keeping Your Workforce Afloat In a Sea of Investigations

[Read the full story](#)

For more information or further guidance in this area, please contact [Peter Willis](#), [Emily Clark](#) and [Tenisha Cramer](#).

#### How to Comply with Data Protection Requirements in Competition Dawn Raids and Investigations

[Read the full story](#)

For more information or further guidance in this area, please contact [Anne Federle](#), [Matt Burckwell](#), [Tenisha Cramer](#) and [Aimee Guzinska-Bowley](#).

#### EU - What to expect during dawn raids under the DMA, the DSA, and the draft AI Act

[Read the full story](#)

For more information or further guidance in this area, please contact [Pauline Kuijpers](#), [Dr. Saskia King](#), [Reshmi Rampersad](#) and [Marcin Alberski](#).

#### Global trends in competition and regulatory investigations: Exploring practices in Europe, the UK, Australia, and China

[Read the full story](#)

For more information or further guidance in this area, please contact [Thomas Jones](#), [Pauline Kuijpers](#), [Peter Willis](#), [Maria Karpathakis](#), [Tenisha Cramer](#), [Serena Du](#), [Patrick Cordwell](#) or [Reshmi Rampersad](#).

#### Authorities are outsourcing dawn raids

[Read the full story](#)

For more information or further guidance in this area, please contact [Morten Nissen](#), [Alexander Brechner](#) or [Nanna Sofie Krabbe](#).

#### Navigating the maze: Challenges and lessons learnt in competition investigations and dawn raids

[Read the full story](#)

For more information or further guidance in this area, please contact [Anne Federle](#), [Patrick Cordwell](#), [Gabor Kutaj](#), [Serena Du](#).

#### What to do in the event of a dawn raid? Tips and tricks for in-house lawyers

[Read the full story](#)

For more information or further guidance in this area, please contact [Katia Dunker](#), [Szymon Golebiowski](#), [Tamy Tietze](#) and [Marcin Gorzkowski](#).

#### Competition and regulatory investigations: Be Prepared

[Read the full story](#)

For more information or further guidance in this area, please contact [Pauline Kuijpers](#), [Reshmi Rampersad](#), [Tenisha Cramer](#) or [Maria Karpathakis](#).

### Dawn Raid Preparation tools



#### Competition eLearning courses

The key to any compliance program is training. Part of our award-winning compliance toolkit, our eLearning courses provide training to all employees independently of where they are located and at a time most convenient to them. They also enable the company to track and measure participation and learning results.

You can choose from the following topics:

1. Dealing with competitors
2. Supply & distribution
3. Abuse of dominance
4. Dawn Raid investigations

Each course is interactive and uses plain language that is easily understood by non-lawyers.

Courses 1 - 3 are available in English, French, Spanish, Italian, German and Dutch. Course 4 is available in English.

[More about our eLearning courses >>](#)

[Introduction video of Dawn Raid course >>](#)

[Demo videos of other eLearning courses >>](#)



#### Free Dawn Raid Game

##### An engaging way to test your preparedness for a Dawn Raid

This quirky tool is a free online game that tests your organisation's preparedness for a dawn raid investigation by competition authorities.

The interactive game takes 15-20 minutes and positions the player as an in-house lawyer who is at work when a dawn raid occurs.

While playing the game, employees test their existing knowledge of how to react in certain situations and learn about what to expect during an investigation. The game is available in English, French, Finnish and Japanese.

[Learn more and play the game >>](#)



#### Free Dawn Raid App

##### Essential information at your fingertips before, during and after an investigation

Our Dawn Raid App is a compliance tool designed to guide you through the essential information you would need in the event of a dawn raid by antitrust authorities.

This free tool includes checklists, FAQs and emergency contact details, and is available in English, French and Finnish.

[More information and download the free app >>](#)



#### Customisable Dawn Raid Management tool

This tool simplifies the stressful process of managing a surprise investigation and ensures secure communication in case of a dawn raid.

Created in collaboration with a SaaS company specialised in user-friendly, reliable alarm systems to cope safely with crises and incidents, the tool provides a "red-button alarm system" that is easily activated in the event of a surprise investigation by competition or regulatory authorities.

[Find out more >>](#)

[Demo video >>](#)

### Upcoming events



#### In-person event

##### The French Competition Authority's updated notice on its leniency programme

**25 April | 9:00 - 11:00 CEST**  
**Bird & Bird office, Paris, France**

*The presentations will be in French.*

Join us in Paris for a breakfast seminar titled *Nouveau communiqué clémence: bilan et perspective de la procédure de clémence devant l'Autorité de la concurrence*.

On December 15, 2023, the Competition Authority published a new communication regarding its leniency procedure, incorporating recent legislative changes and considering companies' perception of the procedure. In this seminar, **Anne Krenzer**, leniency advisor of the French Competition Authority (l'Autorité de la concurrence), will present key points relevant to businesses. This will be followed by a discussion with our competition partner **Thomas Oster** and **Alexandre Carbone**, director of consulting firm Alix Partners. They will discuss the trade-offs related to risks of damages following the Authority's decisions, practical aspects of managing a leniency request, and the economic analysis framework for leniency programs. The seminar will conclude with a Q&A session.

We look forward to welcoming you at 8:30 for a networking breakfast before the seminar begins.

[More information \(in French\) >>](#)

[RSVP for the event here >>](#)



#### In-person event

##### Key Trends in UK Competition Law Enforcement

**14 May | 16:00 - 18:00 BST**  
**Bird & Bird office, London, UK**

Our London Competition team is delighted to invite you to our seminar exploring key trends in UK Competition law enforcement. We will discuss the impact of AI, sustainability, as well as the Digital Markets, Competition and Consumers Bill on enforcement. The discussion will take place under Chatham House Rules.

Our expert panel of guest speakers includes:

- **Bethan Watts - CMA** - Director, and currently interim CEO at the Digital Regulation Cooperation Forum
- **Marc Braithwaite - FCA** - Manager, Competition Division
- **Richard Neville - Warner Bros. Discovery** - Vice President, Competition and Regulatory Affairs
- **Elizta Petritsi - Deutsche Bank** - Director, Antitrust, Global Markets Compliance

Please join us for networking drinks and canapés after the session.

[Find out more >>](#)

[RSVP for the event here >>](#)



#### Conference

##### Swedish Competition Authority's 23rd annual Pros and Cons conference

**20 May | World Trade Center Stockholm, Sweden**

Our Dutch Competition partner [Pauline Kuijpers](#) has been invited to discuss the *Pros and Cons of New Competition Tools* on a panel at the upcoming annual Pros and Cons conference organised by the Swedish Competition Authority (Konkurrensverket).

The conference will feature a keynote speech by **Martin Coleman**, the CMA Panel Chair, and panels will be moderated by **Evelin Pärn-Lee** (DG of the Estonian NCA), **Richard Whish** (Kings College) and **Eva Edwardsson** (Swedish judge). Pauline will join Panel 3: *The Optimal Design of a New Tool*. The format of the conference allows the panelists, including law and economics professors, private practitioners and enforcers, to share their views in an open and constructive debate.

[More information on the conference here >>](#)

### Bird & Bird news and publications

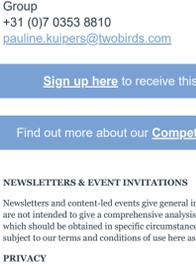


#### Guiding the Development of AI: The UK's Competition and Markets Authority's Initial Report on AI Foundation Models

This article, authored by Competition Legal Director [Dr. Saskia King](#) and Intellectual Property Partner [Toby Bond](#), was re-published in the May-June 2024 edition of **The Journal of Robotics, Artificial Intelligence & Law (RAIL)** (paywall). In this piece, the authors examine the UK's Competition and Markets Authority (CMA) recent report on AI Foundation Models. The report, a crucial part of CMA's ongoing focus on AI, throws light on guiding principles for FM development and usage. It also highlights potential risks, such as anti-competitive practices and the importance of consumer protection. The CMA aims to engage widely with various stakeholders to refine these principles further.

This article provides valuable insights for anyone keen to understand the intersection of AI, competition law, and consumer rights.

[Read the original article here >>](#)



#### Interview with Ms Cani Fernández, Chairwoman of the Spanish Comisión Nacional de los Mercados y la Competencia (CNMC)

Our Brussels-based Competition & EU Law partner, [José Rivas](#), in his role as chief editor of the journal *World Competition*, interviewed the Chairwoman of the Spanish Competition Authority, Ms Cani Fernández, on the occasion of the ICN Annual Conference in October 2023. The interview, featured in *World Competition* Volume 47, Issue 1, gave a glimpse into the current focus and future direction of the CNMC, providing a better understanding of the regulatory environment in Spain. Key points discussed include:

- International Cooperation
- Digital Markets
- DMA and DSA
- Public Procurement

[Read the interview here >>](#)

We are delighted to share that our Competition & EU practice has been ranked by the **Legal 500 EMEA 2024** in **Belgium/Brussels** (for EU Competition law, Belgian Competition law and Trade), **Denmark**, **Finland**, **France**, **Germany**, **Hungary**, **Italy** and **the Netherlands**.

## Legal 500 EMEA 2024

### Competition: EU and Global

Furthermore, many of our competition lawyers were recommended and recognised, including [Pauline Kuijpers](#) (Leading individual), [Jannke Kohlen](#) and [Daniel Arányi](#) (Next Generation partners), and [Gábor Kutaj](#) (Rising Star)

**A big thank you to our clients for your support and for placing your trust in our team!**

[Visit our Competition & EU Law Insights page](#)

### Contacts



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