

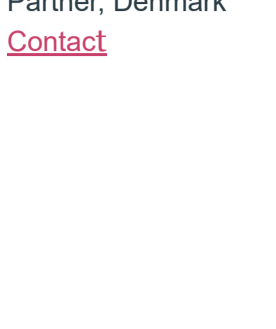
Competitive Edge

Bird & Bird

Competitive Edge

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

In Focus



Morten Nissen
Partner, Denmark
[Contact](#)

Recent AG opinion finds the holes in an exclusive distribution set-up for cheese: important practical guidance

In the recent case of Beever's Kaas, Advocate General Medina offers noteworthy insights into the complexities surrounding exclusive distribution agreements under EU competition law. The case explores the tension between Beever's Kaas' exclusive rights to distribute Beemster cheese in Belgium and Luxembourg and the sales activities of a Dutch supermarket chain in the same region. Central to the dispute is whether the distribution agreement satisfies the "parallel imposition requirement" under the Old Vertical Block Exemption Regulation (VBER). AG Medina's opinion underscores the importance of suppliers ensuring that all distributors in a given distribution network agree to and comply with an active sales ban to validate the exclusivity of a given territory. While the final decision of the Court of Justice of the European Union (CJEU) is yet to come, this case serves as a stark reminder of the intricate compliance requirements for operating exclusive distribution systems under EU competition law. For a more comprehensive analysis of AG Medina's arguments and their potential implications, read the full article.

[Read the full story](#)



Dr. Stephan Waldheim
Partner, Dusseldorf
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Joint purchasing or buyer cartel? The German ALNG case – a blueprint for other joint licensing initiatives?

The German ALNG case has stirred up intriguing legal questions around joint purchasing agreements and buyer cartels in the realm of IP licensing. In this case, several top car manufacturers sought to consolidate their SEP (Standard Essential Patent) licensing negotiations through the Automotive Licensing Negotiation Group (ALNG). The Bundeskartellamt (BKA, the German competition authority) endorsed this plan, but did it blur the lines of FRAND license negotiations and anti-competitive hold-out? The article explores the underpinnings of this landmark case, challenging the BKA's broad market definition and the implications of ALNG's structure on free-market FRAND negotiations. If you're interested in the complex interplay of competition law and SEP licensing, this article will shed new light on these innovation critical issues, and the potential impact of the ALNG case on future licensing negotiation group initiatives.

[Read the full story](#)

Updates from our jurisdictions

EU

Shedding light on Article 106 TFEU and on the duty of collaboration of Member States: The overlooked pillar of EU competition law?

[Read the full story](#)

For more information or further guidance in this area, please contact [Jose Rivas](#) or [Alvaro López de Ochoa García](#).

Czech Republic

First Food Sector Investigations and Fines after Major Regulatory Expansion in Czech Republic

[Read the full story](#)

If you need more information or further guidance in this area, please contact [Vojtěch Chloupek](#) or [Martin Taimr](#).

Germany

German Federal Cartel Office blocks two projects by RTL on the television advertising market

[Read the full story](#)

If you need more information or further guidance in this area, please contact [Stephan Waldheim](#) or [Gitty Narymany Shandy](#).

Hungary

The Hungarian Competition Authority updates its merger guidelines

[Read the full story](#)

If you need more information or further guidance in this area, please contact [Gábor Kutai](#) or [Kinga Kálmán](#).

Italy

Italian Competition Authority accepts Booking.com commitments in abuse of dominance investigation

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If you need more information or further guidance in this area, please contact [Chiara Horgan](#), [Federico Marini Balestra](#) or [Lucia Antonazzi](#).

Netherlands

FDI Alert: Consultation Launched on New Categories of (Highly) Sensitive Technologies

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If you need more information or further guidance in this area, please contact [Tialda Beelstra](#) or [Janneke Kohlen](#).

Poland

Polish competition authority imposes a fine on a pet food manufacturer

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If you need more information or further guidance in this area, please contact [Marcin Alberski](#) or [Stanislaw Szymanek](#).

UK

New Year - New Merger Control Rules

[Read the full story](#)

If you need more information or further guidance in this area, please contact [Dr Saskia King](#), [Ariane Le Strat](#), [Emma Bermingham](#) or [Alienor Troletti](#).

Events and webinars



Conference

Generative AI for Automotive 2025

11 - 13 February | Munich, Germany

On 12 February our Brussels-based Regulatory & Public Affairs advisor [Paolo Sasdelli](#) will be participating in a panel discussion at the IQ Automotive's *Generative AI for Automotive 2025* event.

The panelists will help the audience gain an understanding of the AI Act and its practical implications, with a particular emphasis on the automotive sector. They will also explore the areas where the EU AI Act might be inhibiting innovation, evaluate how the industry is complying, and identify the potential avenues where the AI Act could foster innovation.

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



Conference

Competition Next Gen Summit 2025

12 - 14 February | Dublin, Ireland

This event, organised by Thought Leaders 4 Competition, brings together the rising stars of European Competition Law & Litigation to forge networks, discuss experiences and build their own personal brand. [Tialda Beelstra](#), Senior Associate in our The Hague and Amsterdam offices, will lead the workshop 'Exploring Developments in Foreign Subsidies Regulation' on 13 February.

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

Bird & Bird news and publications



International Handbook of AI Law

AI is ubiquitous - including when it comes to antitrust and competition. In the antitrust chapter of this comprehensive handbook published by Wolters Kluwer, [Dr. Stephan Waldheim](#) summarizes the most prominent theories of harm pertaining to the development and use of, or investment in, AI technology under modern competition theory and practice.

The International Handbook of AI Law: A Guide to Understanding and Resolving the Legal Challenges of Artificial Intelligence is written in clear language by experts from all over the world. It elucidates the complex relationship between AI and the law, covering both existing laws and emerging AI-specific legal regulations in a wide array of legal fields.

[Find out more about the book here >>](#)



AI and Competition Law

Bird & Bird's **Tech & Comms Trends & Predictions for 2025** have been published! Among many fascinating topics, the report includes insights from our competition lawyers [Dr. Saskia King](#), [Anne Federle](#), [Baptist Vleeshouwers](#), [Matt Bovaird](#) and [Aurélie de Amorin](#) on issues regarding AI and competition law.

[Anthony Rosen](#), [Vojtech Chloupek](#), [Pauline Kuipers](#), [Sander Wagemakers](#), [Patrick Cordwell](#), [Dylan McGirr](#), [Quirin Mohr](#), [Francine Cunningham](#), [Paolo Sasdelli](#) and [Paula Alexe](#) were also among colleagues active in the Tech & Comms sector who provided their input into the report on other hot topics in the industry.

Ready to navigate this dynamic landscape? Read the sections of our report that interest you to find out more. [Read more here >>](#)



Partner featured as Distinguished FDI Adviser in *Financier Worldwide* magazine

"*FDI control is basically foreign affairs in the interior – to restrict the free movement of capital for the benefit of national interests or alleged national interests. Following multiple crises, the current trend is to 'reshore' national interests.*" [Dr. Stephan Waldheim](#) was featured as a "Distinguished Adviser" in *Financier Worldwide* magazine's *Power Players* report on Foreign Investment & National Security, imparting his insights.

[Find the report here \(paywall\) >>](#)



Dutch article on New Competition Tool

[Joost van Roosmalen](#) and [Pauline Kuipers](#) have published an article in the Dutch competition law journal *Markt & Mededinging* on the New Competition Tool. This is particularly relevant in the Dutch context since the Dutch national authority is pushing for more competences, including the New Competition Tool. The article explores the exact contents of such competences and some concerns on this potential extra tool for the Dutch regulator.

[Read the article \(in Dutch\) here >>](#)



Australian Competition team's recognition in Legal 500 2025 guide

Congratulations to our Competition and Tech & Comms Regulatory expert [Thomas Jones](#) and his Sydney-based team for their ranking in the Legal 500 2025 guide in the **Competition and trade** as well as the **IT and telecoms** sections.

The team is commended by clients for their '*Commercial and practical approach*,' and Thomas Jones is described as "*a leader in his field*" bringing particular expertise in the technology and communications sectors and experience of ACCC investigations."



Antitrust Writing Awards 2025 - vote for your favourite articles!

We are delighted to share that 3 of our articles have been shortlisted for the Antitrust Writing Awards!

No-poach agreements can comply with competition – when they are not 'naked': A quick guide to ancillary no-poach agreements by [Anne Federle](#) and [Paula González Alarcón](#)
[Read the article here >>](#)

When does the hiring of another company's staff require merger control approval? by [Anne Federle](#) and [Aurélie de Amorin](#)
[Read the article here >>](#)

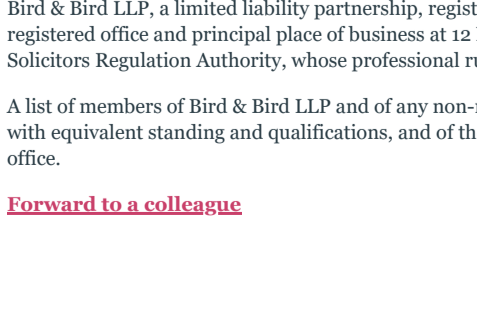
The Law by Dr. Saskia King, Jose Rivas, Paula González Alarcón and Quinn Liang
[Read the article here >>](#)

Organised by Concurrences and The George Washington University Law School's Competition Law Center, the prestigious Antitrust Writing Awards select the best antitrust writings published in the past year.

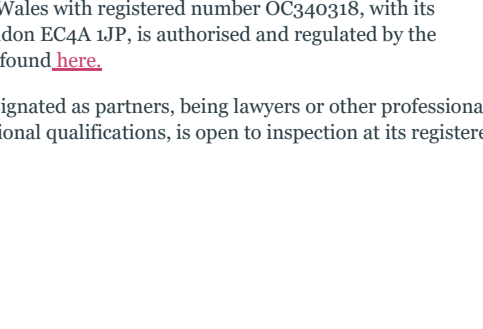
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