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February 2022



Bird & Bird & Competition & EU

Competitive edge

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

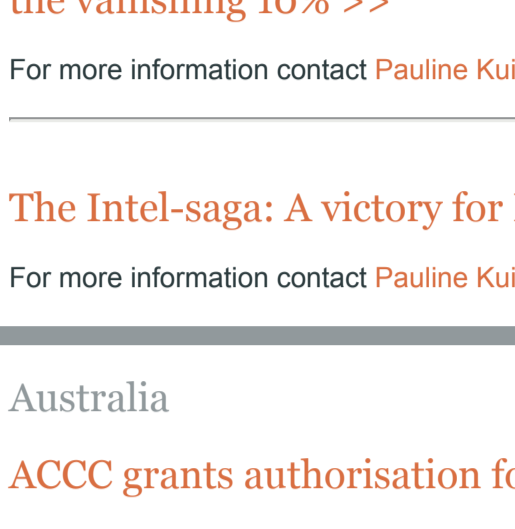
In focus



José Rivas
Partner
Brussels / Madrid
Contact

European Commission launches proposals to improve the working conditions in platform work: the application of Competition law in this sector

The European Commission recently published a set of proposals which seek to improve the working conditions in platform work and to support the sustainable growth of digital labour platforms in the EU. The Draft Guidelines published as part of the proposal clarify the application of EU competition law to collective agreements of solo self-employed persons related to the improvement of their working conditions. [Read more >>](#)



Regulatory & Public Affairs webinar

Will the Data Act unlock value in the EU data economy?

Wednesday 9 March | 12:00 - 13:00 CET

The European Commission's Data Act proposal is due to be presented on 23 February.

The proposal is part of the 'Shaping Europe's Digital Future' strategy and will be an important building block for the digital economy in Europe. The Data Act is expected to regulate the use of privately held data by the public sector, data access and use in business-to-business situations (including an amendment to the Database Directive), data portability, interoperability, establishing more competitive markets for cloud computing services and safeguards for non-personal data in international contexts.

Join our [EU Regulatory & Public Affairs team](#) on 9 March for a presentation on the key elements of this far-reaching legislative proposal. Legal experts from our firm will also look at the Data Act's interplay with competition and data protection law.

[Register for the free webinar here >>](#)

Updates from our jurisdictions

EU

VBER review: Welcome guidance on info exchange in dual distribution and the vanishing 10% >>

For more information contact [Pauline Kuipers](#), [Ariane Le Strat](#) or [Matteo Stainer](#)

The Intel-saga: A victory for Intel at last >>

For more information contact [Pauline Kuipers](#) or [Tialda Beetstra](#)

Australia

ACCC grants authorisation for gas field joint marketing arrangements >>

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

Czech Republic

Legality of dawn raids based on the statements of other competitors >>

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

Denmark

Panic at the disco! Danish nightclubs fined for horizontal agreements to not open competing nightclubs >>

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

Germany

German Federal Cartel Office ("FCO") makes use of new investigative powers, including in the digital economy and the German waste management sector >>

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

Hungary

COVID antigen rapid tests: high prices compared to the rest of Europe and improper information to consumers >>

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

Netherlands

Focus on the Dutch Authority for Consumers & Markets agenda for 2022-2023: energy & sustainability, digital economy and the housing market >>

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

Spain

CNMC ends an investigation against the main food delivery platforms in Spain >>

For more information contact [Candela Solés](#)

Sweden

New procurement regulation in Sweden >>

For more information contact [Morten Nissen](#) or [Catherine Lafamme Jansson](#)

UK

Music streaming market study: from Studio to Stream >>

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

Podcasts, webinars & events



Competitive Edge The Podcast

Episode 4: The UK's National Security and Investment Regime enters into force

This short episode explores the UK's National Security and Investment Regime which entered into force on 4 Jan 2022. Our London-based Competition & EU Partner [Peter Willis](#) provides an overview of the new regime and which businesses will be captured by it. He also dives into three of the 17 sensitive sectors, and the consequences of not making a mandatory notification. Read our recent article on this topic with a practical flowchart [here](#).

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

Webinar recording

Legal challenges surrounding the current chip crisis – an overview



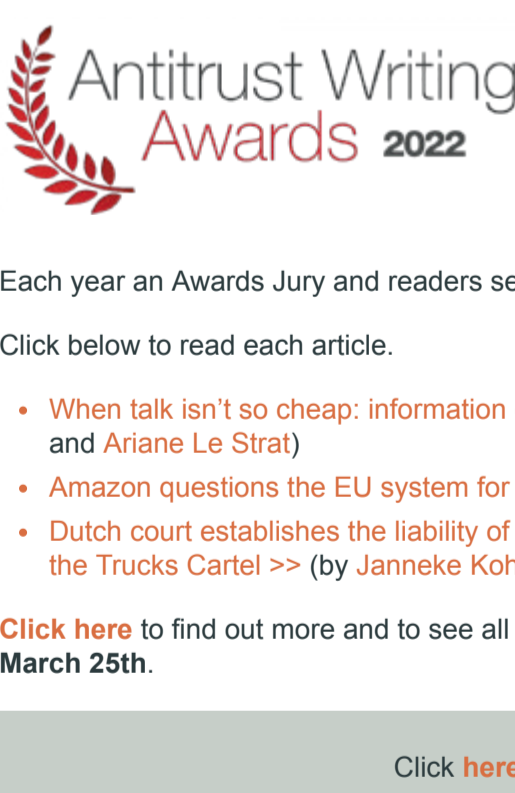
Companies from virtually all sectors, including most notably electronics and automotive, are struggling to meet customer demand in the current chip crisis. While sharing the pain seems intuitive in times of crisis, companies often overlook the legal risks and opportunities involved in allocating short supplies.

Based on experience obtained particularly in the automotive sector in Europe, [Stephan Waldheim](#), [Philipp Egler](#) and [Jonathan Speed](#) analysed the legacy (pro rata) and alternative allocation methods, and classified the associated risks from a contract and competition law perspective.

Issues discussed in this webinar included:

- 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

[Register and watch the recording of this free webinar hosted by Lexology >>](#)



Webinar

Financial Services & UK Competition Law: Evolving Business Models & The Competition Law Landscape

21 February | 15:00 - 15:45 UTC

In this webinar organised by the Financial Services Club (Z/Yen Group), our London-based Competition & EU legal director [Dr Saskia King](#) will be covering the following points in relation to financial services and UK competition law.

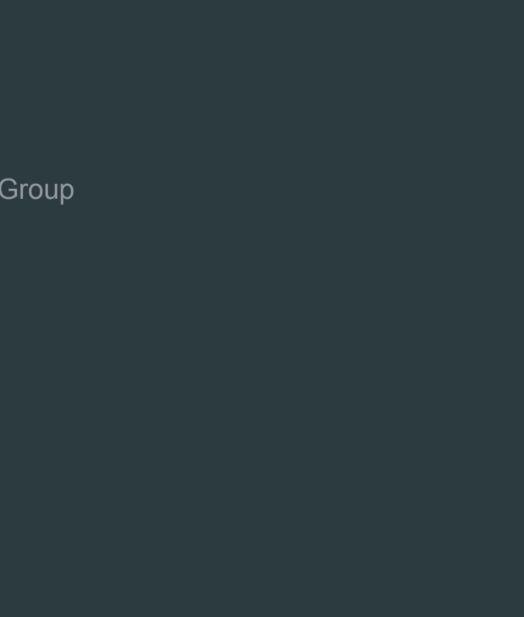
- Who's watching you?
- Why you need to care about competition law
- Developments in tech innovation and the FS sector
 - Data, digitisation, and open banking
- Data access issues
- Partnering and the pitfalls
 - Collaborations, partnerships, fora/networks, mergers

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

Conference

GCR Live: Telecoms, Media & Technology 2022 conference

Tuesday 15 March
London



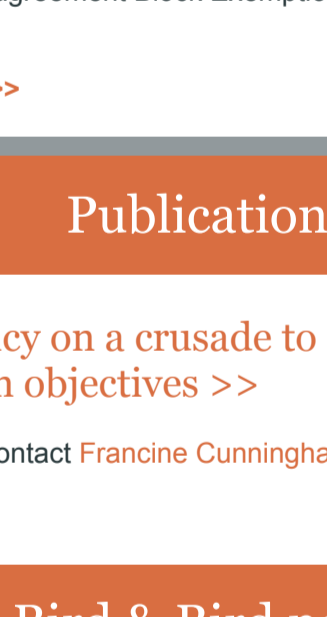
Bird & Bird is proud to sponsor this [conference](#), which will bring together government sponsors, in-house counsel, economists and private practice lawyers to debate the latest developments in the digital sector. Programme topics include:

- 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.](#)

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



Federico Marini Balestra
Partner
Rome
Contact

Webinar - Italy - The European Commission updates its distribution regime

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

On 27 January our Rome-based partner [Federico Marini Balestra](#), associate [Lucia Antonazzi](#) and guest speaker [Claudio Calcagno](#) (Director di GMT Economics) conducted a cross-sectional analysis covering the legal and economic aspects of the main changes, challenges and opportunities for businesses arising out of the EU Commission's new draft Vertical agreement Block Exemption Regulation (VBER) and accompanying guidelines.

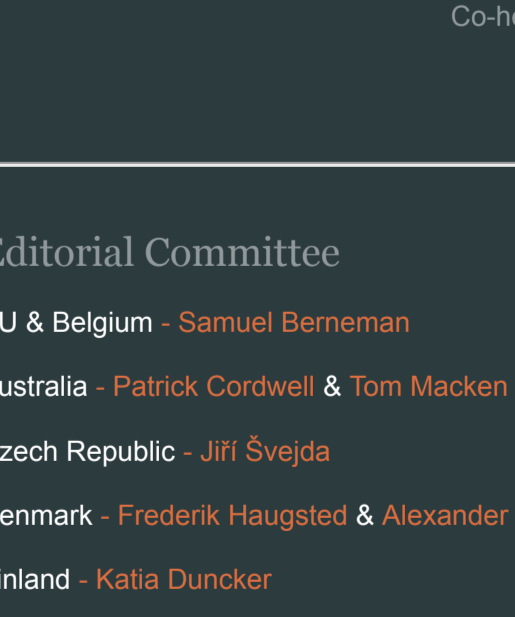
[Watch the recording \(in Italian\) here >>](#)

Publications

French Presidency on a crusade to set global trade standards based on fair and green objectives >>

For more information contact [Francine Cunningham](#), [Lluís Girbau Cabanas](#) or [Andrea Whelton](#)

Bird & Bird news



Antitrust Writing Awards: voting is now open!

We are pleased to announce that three Bird & Bird articles have been nominated for the prestigious [Antitrust Writing Awards](#) organised by independent legal publisher [Concurrences](#) and the [George Washington University](#). The aim of the awards is to promote competition scholarship and to contribute to competition advocacy.

Each year an Awards Jury and readers select the best antitrust articles published around the world.

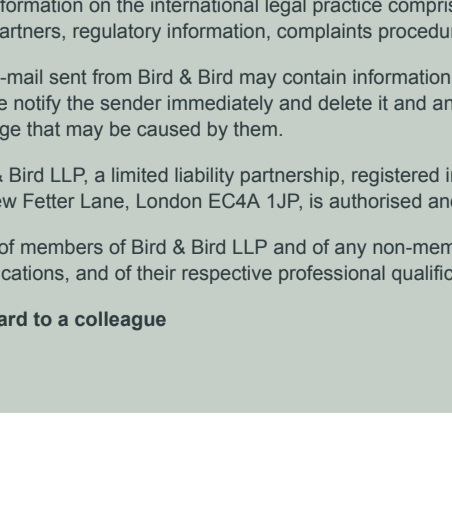
Click below to read each article.

- [When talk isn't so cheap: information exchange and the Financial Sector in the EU/UK >>](#) (by [Dr Saskia King](#) and [Ariane Le Strat](#))
- [Amazon questions the EU system for allocation of cases within the ECN >>](#) (by [José Rivas](#) and [Candela Solés](#))
- [Dutch court establishes the liability of the cartellists in first step towards the award of damages for loss caused by the Trucks Cartel >>](#) (by [Janneke Kohlen](#) and [Matteo Stainer](#))

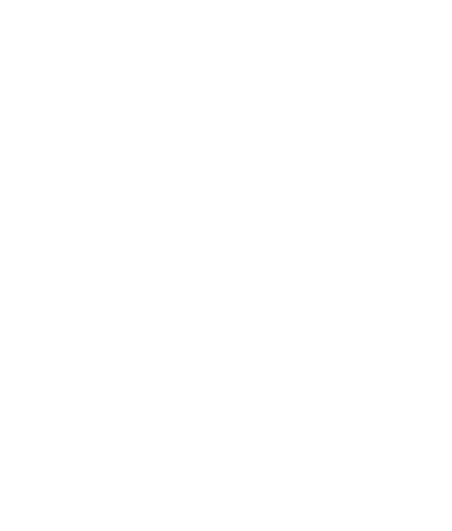
[Click here](#) to find out more and to see all the articles in the running. You can read and vote for the articles until **March 25th**.

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

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