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Bird&Bird May 2025

Competitive Edge

Bird & Bird

Competitive Edge

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

In Focus



The holes were actually in the cheese. The CJEU confirms the AG's perspective on exclusive distribution.

A recent landmark CJEU ruling in the Beevers Kaas case significantly impacts how companies must structure their exclusive distribution arrangements. The Court clarified that merely allocating exclusive territories is insufficient - suppliers must ensure all distributors explicitly agree to respect these exclusivity rights through proper documentation.

In-house counsel should note that this ruling affects both existing and future distribution agreements under the VBER. Companies relying on territorial or customer group exclusivity may find their current arrangements inadequate, potentially exposing them to disputes with distributors and competition law risks. Read our full analysis to understand how to implement the required "parallel imposition requirement" and safeguard your distribution networks across the EU.





Bronner revis(it)ed? Recent Takeaways on application of the Bronner doctrine from the CJEU and the Dutch court

Understanding when refusals to provide access to data and digital infrastructure constitute an abuse of dominance is essential for compliance and strategic decision-making in today's data-driven economy. Recent landmark judgments from the CJEU and Dutch authorities have significantly clarified the application of the seminal Bronner doctrine, which established the high threshold for when companies must provide access to their infrastructure

Two February 2025 rulings offer contrasting approaches that create new boundaries for the doctrine's application in digital markets. These decisions provide crucial guidance for digital platform operators, data holders, and businesses seeking access to competitive resources in an increasingly interconnected marketplace. Read the article to find out more.

Updates from our jurisdictions

Belgium

First-ever DMA Non-Compliance Fines – Another Step in Big Tech Scrutiny

If you need more information or further guidance in this area, please contact Hein Hobbelen or David Wouters.

The Belgian Competition Authority outlines its 2025 priorities

If you need more information or further guidance in this area, please contact **Baptist** <u>Vleeshouwers</u> or <u>Claire De Neve</u>.

China

Navigating through the Judicial Interpretation on Civil Antitrust Litigation (PRC)



Germany

Vertical Price Fixing: German Federal Cartel Office fines Sennheiser and Sonova





If you need more information or further guidance in this area, please contact Dr Saskia King, Alice Drain or David Pemberton.

Events and webinars



ERA Conference Annual Conference on European Media Law 2025

5 - 6 June | Trier, Germany & Online

This event, organised by the Academy of European Law (ERA) in cooperation with the Institute of European Media Law, aims to keep you informed about the latest policy, legislative initiatives, and case law in the field.

Partner Pauline Kuipers, will be speaking at the conference on the rise of opinion power: how the DMA and DSA impact media-related issues. She will discuss the legal framework limiting market power, recent competition law decisions, and investigations by the European Commission and national competition authorities.

The event will provide a platform for stakeholders and lawyers in the media sector to discuss recent EU media law initiatives, including topics such as digital sovereignty, cyberattacks, disinformation, the European Media Freedom Act, and the future of media coherence. Don't miss this opportunity to stay updated with the latest developments in media law. More information here >>



In-person breakfast roundtable

Competition law developments in Sport

10 June | 9:00 - 11:00 | London, UK | Bird & Bird Are you an in-house lawyer at a sport governing body or an economist with interest in the sports sector? Join our exclusive breakfast roundtable on the latest competition law developments in sport, featuring a cutting-edge expert panel. We will discuss the impact of the Sports Trilogy cases (namely, Superleague, International Skating Union and Royal Antwerp) on the future of sport regulation.

Guest speakers:

- Marie Demetriou KC Barrister, Brick Court
- Chambers • Nick Craig - Chief Operating Officer, English
- Football League **Prof. Giorgio Monti** – Professor of Competition Law, Tilburg Law School

The panel will be moderated by our competition law partner Dr. Saskia King and sports law partner Richard Bush. Join us from 8:30 for a networking breakfast before the session kicks off. Register here >>



2025 Florence Digitalisation Summer Conference

Digital sovereignty in a postglobalised world

26 - 27 June | Badia Fiesolana, Italy & Online

This conference will explore the concept of digital sovereignty and its impact on competition and innovation in technology markets. This hybrid event, organised by the Centre for a Digital Society and the



Don't miss this opportunity to engage with leading voices in the debate on digital sovereignty. Bird & Bird partner <u>Hein Hobbelen</u> will take part in a panel on Semi-Conductors and Manufacturing Resilience. Find out more here >>



Webinar recording

Digital Markets, Competition and Consumers Act 2024: What do you need to know?

6 May | Online

Does your business interact with UK-based consumers?

If you missed our recent webinar on the Digital Markets, Competition and Consumers Act (DMCCA), you can still catch up by watching the recording.

The DMCCA introduces new obligations, increased oversight, and stricter penalties for non-compliance, making it essential for businesses of all sizes to understand the upcoming changes.

Our experts in Competition and Consumer Law, Dr. Saskia King, Robert Turner and Victoria Hobbs, walked participants through the key aspects of the new regulation, focusing on the most significant changes and enforcement updates. If your business deals with UK consumers, you will want to watch this session

Watch the recording here >>

Reach out to Saskia King or one of the other speakers if you'd like to receive the slides.

In-person seminar



Date TBC | London, UK | Bird & Bird office

Unfortunately we've had to postpone this event due to unforeseen circumstances beyond our control. A new date will be announced shortly.

With leading voices from regulators, economists and in-house counsel, at this networking seminar we will be discussing topical issues on UK competition law enforcement (such as AI, algorithmic collusion, entry into force of the DMCCA), reflecting on the last few months and looking to the year ahead. The discussion will take place under Chatham House Rules.

Bird & Bird news

We are delighted to congratulate key members of our global Competition law group, Lucia Antonazzi and Dr Florian Hinderer, on their recent promotions to counsel!











Top ranked in Germany

Our competition team in Germany has been recognised for the fourth year in a row by the WirtschaftsWoche as a 'Top Law Firm' in the field of antitrust law in 2025. Partner Dr. Stephan Waldheim was also listed as a 'Top Lawyer' for his outstanding expertise in antitrust law again this year.

WirtschaftsWoche is one of Germany's most wellknown economic weekly newspapers. The research process to rank firms and individuals includes a survey of over 5000 private practice lawyers and confirmation by a jury of in-house lawyers from companies such as Bosch, thyssenkrupp and ZF Group, to name a few. Congratulations to the team for this achievement!

Read more here >>



Congratulations to <u>Thomas Jones</u>, who has been recognised again this year in the Best Lawyers in Australia[™] 2026 awards in three categories:

- Competition Law Regulatory Practice •
- Telecommunications Law

This reflects the dedication, expertise, and peerrespected excellence of our team in Australia, which also includes Matt Bovaird Patrick Cordwell and Dylan McGirr.

A big thank you to our peers and clients for your feedback and continued trust. Reach out to our team in Australia if you need support on issues at the intersection of antitrust, technology and regulation.





We would like to share that José Rivas has retired from the Bird & Bird partnership after nearly 17 years of distinguished service with our Competition Law practice. He was the longest-practicing Spanish lawyer in private EU Law practice in Brussels, having spent over 30 years in the capital of Europe.

Before his retirement at the end of April, José represented our firm at the prestigious annual GCLC conference Present and future role of competition policy and the EU's open strategic autonomy, where he moderated an insightful panel discussion on the topic of A Forward-Looking Vision for the Future of EU Competition Tools to achieve a Clean, Just and Competitive Transition in view of the EU Open Strategic Autonomy Goals. At the event, he also engaged with Vice President and Commissioner for Competition Teresa Ribera, discussing key developments in European competition policy. Commissioner Ribera has agreed to be interviewed by José for an upcoming issue of World Competition Journal, where he will continue serving as General Editor. This maintains his established tradition of interviewing sitting Competition Commissioners, following his previous conversations with Commissioners Monti, Almunia and Vestager.

José's contributions to our practice and his thought leadership in competition law, including his extensive litigation experience before the European Courts in Luxembourg, have been invaluable to both our firm and our clients, and have helped shape competition law and policy.

While we will miss José's daily presence, our Competition Law team remains committed to providing the same level of exceptional service you've come to expect. Partners Hein Hobbelen and Anne Federle, and counsel Baptist Vleeshouwers will be managing ongoing matters with the Brussels competition team, ensuring a seamless transition for all clients.

We invite you to join us in wishing José all the best in his future endeavours. If you have any questions about your competition law matters, please don't hesitate to contact us.

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Forward to a colleague