



## **The winning move**

Competition, Foreign Investment and Trade  
Bulletin

December 2021 to February 2022

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# Executive summary



Our international Competition, EU and Trade team provides you with a compilation of recent key antitrust, trade and foreign investment regulatory and legal developments from the last quarter.

This edition covers updates for the three months up to February 2022 and is full of newsworthy items from some of our international colleagues.

Following the invasion of Ukraine by Russia, the UK, EU and US have all responded by announcing significant sanctions in respect of Russia and expanded sanctions in respect of Belarus. As the sanctions landscape has been changing at a fast pace, please refer to our dedicated [webpage](#) to keep abreast of developments.

On 4 January 2022, the new National Security and Investment (“**NSI**”) screening regime entered into force in the UK. This will mean that a wide range of transactions completed since 12 November 2020 will be required to make a mandatory notification to the Investment Security Unit and obtain clearance before the deal can close.

This year, we expect both the European Commission (“**Commission**”) and the UK Competition and Markets Authority (“**CMA**”) to make significant changes to each of their respective competition laws. The Vertical Agreements Block Exemption Regulation (“**VBER**”), which exempts certain restrictions in distribution agreements will expire on 31 May 2022. In February, the Commission published its proposed guidance on information exchange in dual distribution relationships, as part of its review of the VBER, and the UK Department for Business, Energy & Industrial Strategy (“**BEIS**”) published a draft Competition Act 1998 (Vertical Agreements Block Exemption) Order 2022 (“**VABEO**”) for consultation to replace the retained VBER. In addition, the Commission published its proposed revised rules relating to collaboration agreements between competitors which include a draft new chapter focusing on sustainability agreements.

In the Netherlands, the Dutch Authority for Consumers & Markets (“**ACM**”) approved two collaboration initiatives between competitors which were the first to be in scope of the ACM’s draft Guidelines on Sustainability Agreements which have been deemed compatible with competition law.

The French courts and the French Competition Authority (“**Authority**”) issued decisions on the competition rules relating to selective distribution networks and the Polish Office for Competition and Consumer Protection (“**UOKiK**”) initiated proceedings against companies for alleged anti-competitive agreements including against software providers who allegedly facilitated the exchange of commercially sensitive information between certain pharmaceutical wholesalers.

We hope that you enjoy reading this edition.

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## Impact date key



Immediate impact



Impact in the near future

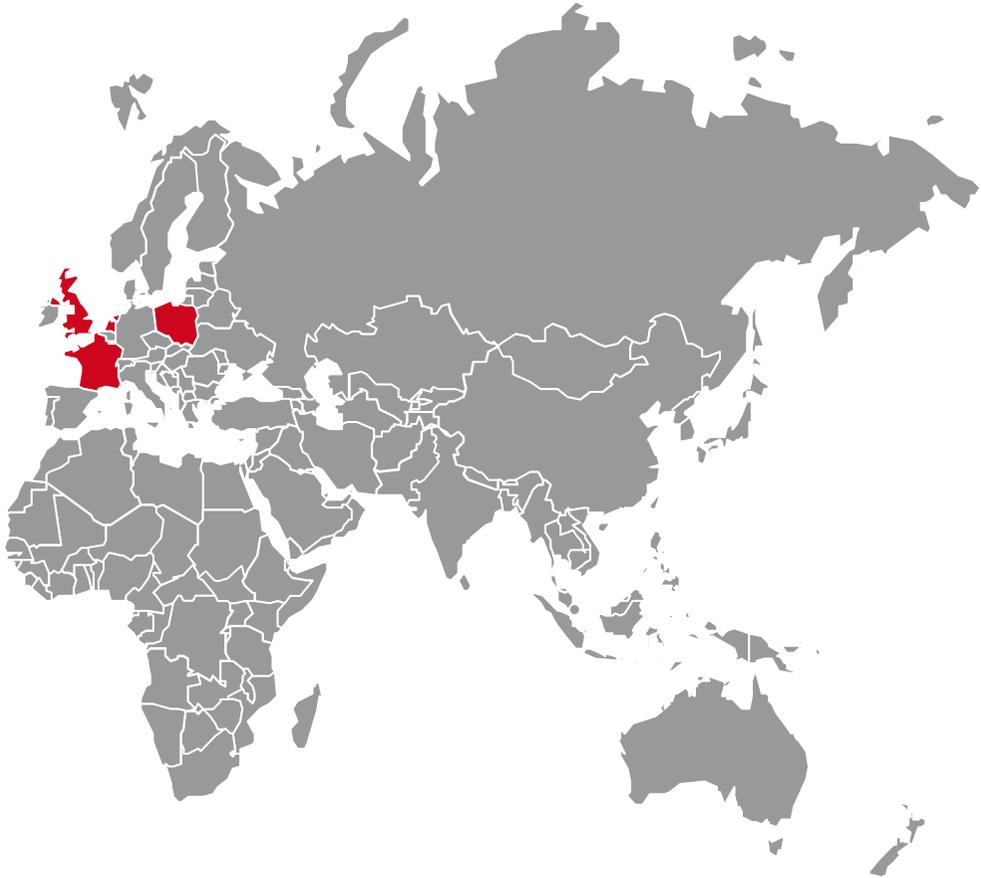


On the horizon

# Global updates by country



|             |
|-------------|
| France      |
| Netherlands |
| Poland      |
| UK          |
| US          |





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## Antitrust

| Development  | Summary   | Sector                                  | Impact | Links   |
|--|---|---|--------|---|
| Commission publishes draft revised Horizontal Block Exemption Regulations and Horizontal Guidelines for consultation | On 1 March 2022, the Commission published for consultation drafts of the revised Research & Development ("R&D") and Specialisation Block Exemption Regulations to replace the current versions which will expire on 31 December 2022, and Horizontal Guidelines. The deadline to respond is 26 April 2022. Please refer to our client briefing for information on the proposed changes.   | Cross-sector                            |        | Client Briefing <a href="#">Link</a><br>Consultation <a href="#">Link</a> |
| Commission publishes guidelines on sustainability agreements in agriculture for consultation                         | On 28 February 2022, the Commission published draft guidelines on a new derogation exempting sustainability agreements in the agriculture sector from the competition rules under certain conditions for consultation. This follows a recent EU decision (CMO Regulation 1308/2013) adopting the derogation if the restrictions in the agreements are indispensable to achieve sustainability standards higher than EU or national mandatory standards.<br><br>To benefit from the derogation, the agreements should pursue certain environmental objectives, the reduction of the use of pesticides and of the danger of antimicrobial resistance, and the protection of animal health and welfare. In addition, the parties to the agreements should be agricultural producers acting possibly with other actors from the supply chain. The deadline to respond to the consultation is 23 May 2022. | Consumer Government and Infrastructure  |        | Press Release <a href="#">Link</a><br>Consultation <a href="#">Link</a>   |
| Commission consults on commitments offered by Insurance Ireland regarding access to its data sharing platform        | On 25 February 2022, the Commission published for consultation commitments offered by Insurance Ireland ("II") to address competition concerns regarding access to its Insurance Link information exchange system. This follows the Commission's preliminary view that II breached  | Consumer Financial Services Industrials |        | Commission Press Release <a href="#">Link</a>                             |



| Development   | Summary  | Sector              | Impact   | Links  |
|---|--|---------------------|--|--|
|   | <p>Article 101 of the Treaty on the Functioning of the European Union (“<b>TFEU</b>”) by arbitrarily delaying or in practice denying access to its Insurance Link information exchange system, which contains information important to be active in the motor vehicle insurance market in Ireland, resulting in certain companies being put at a competitive disadvantage on the Irish motor vehicle insurance market in comparison to companies that had access to the information exchange system. According to the Commission’s preliminary assessment, this acted as a barrier to entry, reducing the possibility of more competitive prices and choice of suppliers for consumers seeking motor vehicle insurance in Ireland.</p> <p>II has offered a number of commitments to address the Commission’s concerns which, if implemented, would remain in force for 10 years.</p>   |                     |  |  |
| <p>General Court dismisses actions for damages by UPS and ASL</p> | <p>On 23 February 2022, the General Court dismissed actions brought by United Parcel Service (“<b>UPS</b>”) and by ASL Aviation Holdings (“<b>ASL</b>”) for damages that they each allegedly suffered as a result of the Commission’s 2013 decision prohibiting the proposed acquisition of TNT Express NV (“<b>TNT</b>”) by UPS, which was annulled by the General Court in March 2017 on procedural grounds. The General Court confirmed that non-contractual liability can arise only if an irregularity is found that would not have been committed in similar circumstances by an administrative authority exercising ordinary care and diligence.</p> <p>In relation to UPS’ action, the General Court held, amongst other things, that UPS failed to show that an infringement of its procedural rights in the merger review constituted the determining cause of the types of damages alleged. In addition, UPS could not show that the Commission directly caused it to pay out a break-fee to TNT, which UPS itself had negotiated. In relation to ASL’s action, the General Court held that it should not be entitled to damages, as ASL had not established the existence of sufficiently serious breaches vitiating the prohibition decision.</p> | <p>Cross-sector</p> | <p></p> | <p>General Court Press Release<br/> <a href="#">Link</a><br/>           Case T-834/17 - <i>UPS v Commission</i><br/> <a href="#">Link</a><br/>           Case T-540/18 - <i>ASL v Commission</i><br/> <a href="#">Link</a></p> |



| Development  | Summary   | Sector              | Impact | Links   |
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| <p>Commission finds that Hungary breached Article 21 of the EU Merger Regulation by vetoing VIG/AEGON deal</p> | <p>On 21 February 2022, the Commission concluded that Hungary’s decision to veto the acquisition of the two Hungarian subsidiaries of AEGON Group by Vienna Insurance Group AG Wiener Versicherung Gruppe (“<b>VIG</b>”) constituted a breach of Article 21 of the EU Merger Regulation (“<b>EUMR</b>”). VIG’s acquisition of AEGON Group’s Hungarian subsidiaries forms part of a wider transaction whereby VIG plans to acquire AEGON’s Hungarian, Polish, Romanian and Turkish life and non-life insurance, pension fund, asset management and ancillary services businesses.</p> <p>On 12 August 2021, the Commission unconditionally approved the transaction. On 6 April 2021, however, relying on emergency FDI legislation introduced in the context of the COVID-19 pandemic, the Hungarian Government vetoed the acquisition of the two Hungarian companies on the basis that this threatened its legitimate interests.</p> <p>Under Article 21 EUMR, the Commission has sole jurisdiction to examine concentrations with an EU dimension. The Commission concluded that Hungary’s decision to veto the transaction breached Article 21, as it restricted VIG’s right to engage in a cross-border transaction, and the Hungarian authorities failed to show that the measure was justified, suitable and proportionate.</p> | <p>Cross-sector</p> |        | <p>Commission Press Release <a href="#">Link</a></p>    |
| <p>General Court annuls Commission decision rejecting an alleged abuse of dominance complaint</p>              | <p>On 9 February 2022, the General Court annulled the Commission’s decision of 12 August 2019 which rejected a complaint lodged by a Polish shipping company against PKP Cargo, a Polish State-owned undertaking, for abusing its dominant position on the rail freight transports services market in Poland. The Commission had rejected the complaint on the ground that the Polish competition authority was best placed to examine it.</p> <p>The General Court held that the Commission should take account of the requirements of the rule of law to determine the competition authority that is best placed to examine a complaint. Before rejecting a complaint for lack of EU interest, the Commission is required to ensure that the national authorities are in a position to adequately safeguard the complainant’s rights. During the</p>  | <p>Cross-sector</p> |        | <p>General Court Press Release <a href="#">Link</a></p> |



| Development  | Summary   | Sector              | Impact | Links   |
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|  | <p>administrative procedure, the applicant had submitted a body of specific evidence which, according to the applicant, taken together, was capable of showing that there were substantial grounds to believe that it ran a real risk of a breach of its rights should its case have to be examined by the Polish competition authority. The General Court concluded, however, that the Commission failed to examine that evidence specifically and precisely, and subsequently, failed to comply with its obligations to state reasons.</p> <p>This was the first time that the General Court considered the impact of systemic or generalised deficiencies in the rule of law in a Member State to determine the competition authority that is best placed to examine a complaint.</p>  |                     |        |   |
| <p>Commission issues draft guidance on information exchange in dual distribution relationships</p> | <p>On 4 February 2022, the Commission published for consultation proposed guidance about information exchange in dual distribution relationships, as part of its review of the VBER and guidelines, which will expire on 31 May 2022. Dual distribution covers situations in which a supplier not only sells its goods or services through independent distributors but also directly to end customers. This has become more common particularly with the growth of online sales.</p> <p>The Commission is proposing to include a new Article 2(5) stating that the revised VBER will not apply to the exchange of information between the supplier and the buyer that is not necessary to improve the production or distribution of the contract goods or services by the parties. The draft guidance explains the types of information which the Commission considers would fall within this provision.</p> | <p>Cross-sector</p> |        | <p>Draft Guidance <a href="#">Link</a></p>  |
| <p>General Court annuls Commission decision rejecting complaint against Gazprom</p>                | <p>On 2 February 2022, the General Court annulled the Commission's decision rejecting a complaint made by a Polish wholesaler regarding alleged abusive practices by Gazprom in the national market for the upstream wholesale supply of gas in Poland. The General Court ruled that the Commission failed to respect the Polish wholesaler's procedural rights in the proceedings. In particular, the Commission failed to inform the applicant of the basis for the rejection of the complaint and committed a manifest error of assessment.</p>  | <p>Energy</p>       |        | <p>General Court Press Release - Case T-399/19 (Complaint) <a href="#">Link</a></p> <p>General Court Press Release - Case T-616/18 (Commitments) <a href="#">Link</a></p> |



| Development   | Summary  | Sector       | Impact | Links   |
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| General Court dismisses Scania's appeal against truck manufacturers cartel decision                   | <p>Separately, the General Court dismissed an appeal by the same Polish wholesaler against the Commission's decision to accept commitments from Gazprom in order to address competition concerns relating to the national markets for the upstream wholesale supply of gas in the countries of Eastern and Central Europe.</p> <p>On 2 February 2022, the General Court dismissed an action brought by Scania challenging the Commission's 2017 decision fining Scania for participating in the truck manufacturers cartel in breach of Article 101 TFEU. In particular, the General Court held that:</p> <ul style="list-style-type: none"> <li>— the Commission did not infringe the presumption of innocence by adopting a 'hybrid' settlement cartel procedure whereby it adopted a settlement decision first and then an infringement decision against Scania</li> <li>— Scania's rights of defence had been respected</li> <li>— the Commission had established to the requisite legal standard that the collusive contacts formed part of an overall plan aimed at achieving the single anti-competitive objective of restricting competition on the market for medium and heavy trucks in the EEA. Awareness of the existence of an overall plan must be assessed at the level of the undertakings involved and not at the level of their employees</li> <li>— the fine was not time barred and did not breach the principles of proportionality or equal treatment</li> </ul> | Cross-sector |        | Judgment <a href="#">Link</a>                 |
| Commission investigates licensing and distribution practices of Pierre Cardin and its licensee Ahlers | <p>On 31 January 2022, the Commission announced that it has opened a formal investigation into whether the licensing and distribution practices of fashion house Pierre Cardin and its licensee Ahlers breach Article 101 TFEU by restricting cross-border and online sales of Pierre Cardin-licensed products, as well as sales of such products to specific customer groups. In particular, the Commission is investigating whether Pierre Cardin and Ahlers have developed a strategy against parallel imports and sales to specific customer groups of Pierre Cardin-branded products by enforcing certain restrictions in the licensing agreements.</p>   | Consumer     |        | Commission Press Release <a href="#">Link</a> |



| Development  | Summary   | Sector       | Impact | Links   |
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| New State aid Guidelines for climate, environmental protection and energy                          | <p>On 27 January 2022, the Commission adopted new Guidelines on State aid for climate, environmental protection and energy ("<b>Guidelines</b>"). These provide guidance on how the Commission will assess the compatibility of environmental protection, including climate protection, and energy aid measures, which are subject to the notification requirement, under Article 107(3)(c) TFEU. They update and replace the 2014 Guidelines on State aid for environmental protection and energy. The Guidelines are intended to reflect the EU objectives and targets set out in the European Green Deal, as well as recent regulatory changes in the energy and environmental areas.</p>  | Cross-sector |        | <p>Commission Press Release <a href="#">Link</a></p> <p>Guidelines <a href="#">Link</a></p> |
| General Court annuls Commission's fine on Intel due to errors in assessment of exclusivity rebates | <p>On 26 January 2022, the General Court handed down its judgment, following a referral back by the European Court of Justice, of Intel's appeal against the Commission's 2009 decision fining Intel for breaching Article 102 TFEU by imposing exclusivity rebates and other conditional restrictions.</p> <p>The General Court held that the Commission had erred in law in the contested decision in concluding that the "as efficient competitor" ("<b>AEC</b>") test, which it had carried out, was not necessary to enable it to establish that Intel's rebates were abusive. Furthermore, the Commission's application of the AEC test was vitiated by errors. The Commission had not established to the requisite legal standard the capacity of each of the conditional rebates and payments made by Intel to have a foreclosure effect.</p> <p>In addition, the General Court found that the Commission did not take proper account of all the criteria that, in accordance with the ECJ's case law, make it possible to determine the capacity of the pricing practices to have a foreclosure effect. In particular, the Commission did not consider properly the criterion relating to the share of the market covered by the contested practice and also did not analyse correctly the duration of the rebates.</p> <p>The General Court, therefore, annulled the Commission's decision in so far as it found that Intel's rebates infringed Article 102. As it was not in a position to identify the amount of the fine that related solely to those rebates (and</p> | Cross-sector |        | <p>General Court Press Release <a href="#">Link</a></p>                                     |



| Development  | Summary   | Sector              | Impact | Links  |
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|  | <p>not to the naked restrictions), the General Court annulled the fine of EUR 1.06 billion imposed on Intel.</p>  |                     |        |  |
| <p>Commission publishes final report in consumer Internet of Things sector inquiry</p> | <p>On 20 January 2022, the Commission published its final report on the findings of its Internet of Things (“IoT”) sector inquiry confirming the conclusions reached in its preliminary report published in June 2021. It found that consumer IoT products are growing rapidly but the cost of technology, interoperability, access to data and regulatory hurdles are barriers to entry and expansion.</p> <p>Some of the competition concerns raised include:</p> <ul style="list-style-type: none"> <li>— certain exclusivity and tying practices relating to voice assistants</li> <li>— the position of voice assistants and smart device operating systems as intermediaries between users and smart devices/consumer IoT services. This position, combined with their key role in the generation and collection of data, would allow them to control user relationships</li> <li>— extensive access to data including on user interactions with third-party smart devices and consumer IoT services by providers of voice assistants, which allows voice assistant providers to improve their market position and to leverage more easily into adjacent markets</li> <li>— the lack of interoperability in the consumer IoT sector due to the prevalence of proprietary technology.</li> </ul> <p>As is usual with sector inquiries, the Commission has stated that it may decide to open case-specific competition law investigations and that the sector inquiry will inform its work in implementing its digital strategy and contribute to the ongoing legislative debate on the proposed Digital Markets Act.</p> | <p>Consumer TMT</p> |        | <p>Commission Press Release <a href="#">Link</a><br/>Final Report <a href="#">Link</a></p> |
| <p>General Court awards Deutsche Telekom EUR 1.8 million compensation</p>              | <p>On 19 January 2022, the General Court awarded Deutsche Telekom EUR 1.8 million as compensation following an overpayment of a fine. In October 2014, the Commission fined Slovak Telekom and its parent company Deutsche Telekom for breaching competition law. On appeal, the General Court partially annulled the Commission’s decision</p>   | <p>Cross-sector</p> |        | <p>General Court Press Release <a href="#">Link</a><br/>Judgment <a href="#">Link</a></p>  |



| Development   | Summary   | Sector                          | Impact | Links  |
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|   | <p>resulting in a reduction in the fine imposed on Deutsche Telekom. The Commission, however, refused to pay it default interest on the overpayment in fine. The General Court concluded that this constituted a serious breach of Article 266(1) TFEU, which resulted in the EU incurring non-contractual liability. The General Court concluded that there was a direct link between the infringement that occurred and the harm to Deutsche Telekom consisting in the loss of default interest on the portion of the fine that had been overpaid.</p>  |                                 |        |  |
| European Parliament fails to adopt the Digital Markets Act on first reading | <p>On 15 December 2021, the European Parliament failed to adopt the Digital Markets Act, which is a proposed regulation to ensure contestable and fair markets in the digital sector, at first reading during its plenary session. Instead it introduced amendments to the text and referred it back to its lead Committee on Internal Market and Consumer Protection with the aim to initiate formal trialogue negotiations with the Council of the EU ("<b>Council</b>") and the Commission.</p> <p>On 11 February 2022, the Council published a table with each of the Commission's, European Parliament's and Council's positions on the draft Digital Markets Act to aid the trialogue negotiations.</p>   | Cross-sector                    |        | <p>Amended Text<br/> <a href="#">Link</a><br/>           Table<br/> <a href="#">Link</a></p> |
| Commission fines Abengoa EUR 20 million in cartel settlement                | <p>On 10 December 2021, the Commission fined former ethanol producer, Abengoa, for participating in a cartel regarding the wholesale price formation mechanism in the European ethanol market.</p> <p>The Commission found that between 6 September 2011 and 16 May 2014, Abengoa coordinated its trading behaviour with other companies on a regular basis. Abengoa's aim was to artificially increase, maintain and/or prevent from decreasing the levels of ethanol benchmarks published by the price reporting agency Platts. Abengoa also limited the supply of ethanol delivered to the Rotterdam area, to reduce the volumes available for delivery at certain times. Its ethanol traders had illegal contacts with individuals at other companies, typically in the form of chats, to coordinate with them certain of its ethanol trading activities.</p> | Energy<br>Financial<br>Services |        | <p>Commission Press Release<br/> <a href="#">Link</a></p>                                    |



| Development   | Summary  | Sector              | Impact | Links  |
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|   | <p>Abengoa admitted its involvement in the cartel and agreed to settle the case under the EU’s cartel settlement procedure resulting in a 10% reduction in fine. The Commission reduced the fine further following Abengoa’s successful inability to pay claim. In accordance with Article 141(2) of the EU-UK Withdrawal Agreement, this case was a “continued competence case”. As a result, the EU will reimburse the UK for its share of the amount of the fine once the fine has become definitive.</p> <p>The Commission’s investigation into the other alleged cartel participants is ongoing, but they are challenging the Commission’s use of the settlement procedure.</p>   |                     |        |  |
| <p>AG Opinion on criteria for classifying an exclusionary practice as an abuse of a dominant position</p> | <p>On 9 December 2021, Advocate General Rantos handed down his opinion on a preliminary reference relating to the criteria for classifying an exclusionary practice as an abuse of a dominant position. He concluded that:</p> <ul style="list-style-type: none"> <li>– the lawful nature of the alleged conduct under civil and data protection law cannot preclude the conduct from being classified as abusive within the meaning of Article 102 TFEU</li> <li>– incumbent operators that previously held a monopoly have a ‘special responsibility’ not to resort to practices which, by exploiting the advantages conferred by the statutory monopoly, are capable of producing exclusionary effects on new competitors that are regarded as equally efficient</li> <li>– a practice implemented by a company in a dominant position cannot be qualified as abusive solely on account of its ability to produce a foreclosure effect on the relevant market, unless it is demonstrated that the undertaking had resorted to means other than those relating to competition on the merits</li> <li>– Article 102 aims to prohibit not only predatory practices which may cause immediate harm to consumers, but also conduct which may affect them indirectly, by virtue of its impact on the structure of the market. The competition authorities must demonstrate that such an exclusionary practice undermines the structure of effective competition,</li> </ul> | <p>Cross-sector</p> |        | <p>ECJ Press Release <a href="#">Link</a><br/>Opinion <a href="#">Link</a></p> |



| Development  | Summary   | Sector     | Impact  | Links   |
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|  | <p>while verifying that it is also likely to cause actual or potential harm to such consumers</p> <ul style="list-style-type: none"> <li>– in order to establish the existence of an abuse of a dominant position, a competition authority is required to demonstrate, having regard to all the relevant circumstances and taking into account in particular the elements relied on by the dominant undertaking, that the conduct of that undertaking had the capacity to restrict competition</li> <li>– Article 102 TFEU must be interpreted as meaning that, in order to class an exclusionary practice of a dominant undertaking as abusive, it is not necessary to establish the undertaking’s subjective intention to exclude its competitors. Such an intention may, however, be taken into account, as one factor, in particular in establishing that the conduct is capable of restricting competition.</li> </ul> |            |   |   |
| <p>EU-US Launch Joint Technology Competition Policy Dialogue</p> | <p>On 7 December 2022, the Commission, the US Federal Trade Commission (“<b>FTC</b>”) and US Department of Justice Antitrust Division (“<b>DOJ</b>”) launched a Joint Technology Competition Policy Dialogue (“<b>TCPD</b>”) which will focus on developing common approaches and strengthening their cooperation on competition policy and enforcement in the technology sector. The Commission and the US authorities face common challenges in competition enforcement in digital investigations, such as network effects, the role of massive amounts of data, interoperability, and other characteristics typically found in new technology and digital markets. The TCPD will continue with high-level meetings, as well as regular discussions at technical level.</p>   | <p>TMT</p> |  | <p>Press Release <a href="#">Link</a><br/>           Joint Statement <a href="#">Link</a></p> |



## Trade

| Development  | Summary  | Sector       | Impact | Links   |
|--|--|--------------|--------|---|
| EU challenges China at the WTO to defend its high-tech sector        | <p>On 18 February 2022, the EU filed a case against the People's Republic of China at the World Trade Organisation ("<b>WTO</b>") for the issuing of anti-suit injunctions and fines by Chinese courts to discourage European companies from enforcing patent protections in foreign courts.</p> <p>The EU alleges that Chinese manufacturers request these anti-suit injunctions to benefit from cheaper or even free access to European technology.</p> <p>Valdis Dombrovskis, Executive Vice-President and Commissioner for Trade, said: <i>"We must protect the EU's vibrant high-tech industry, an engine for innovation that ensures our leading role in developing future innovative technologies. EU companies have a right to seek justice on fair terms when their technology is used illegally. That is why we are launching WTO consultations today."</i></p>  | TMT          |        | Commission Press release <a href="#">Link</a> |
| EU launches WTO case against China over Lithuania trade restrictions | <p>On 27 January 2022, the EU referred China to the WTO in response to the trade restrictions it placed on Lithuania. In December 2021, China introduced heavy restrictions or de facto block imports from and exports to Lithuania. These followed the opening of a Taiwan de facto embassy in Vilnius, bearing the name Taiwan rather than "Chinese Taipei". The embassy was seen to be a violation of the "One China" policy, the diplomatic acknowledgement of China's position that there is only one Chinese Government.</p> <p>China downgraded its diplomatic relations with Lithuania but has denied ordering a trade boycott against Lithuania. However, the EU has built up evidence that China is refusing to clear Lithuanian goods through customs, is rejecting import applications from Lithuania and is applying pressure on EU companies operating out of EU Member States to remove Lithuanian inputs from their supply chains when exporting to China.</p> <p>The EU has launched a WTO case against China over the alleged discriminatory trade practices which are illegal</p> | Cross-sector |        | Commission Press Release <a href="#">Link</a> |



| Development  | Summary  | Sector       | Impact | Links   |
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|  | <p>under WTO rules. Attempts to resolve the dispute bilaterally have been unsuccessful meaning the EU has initiated the WTO dispute settlement proceedings. The first stage under procedure is the 'request for consultations' which are currently underway, during this stage the EU formally asks China for more information on the measures introduced.</p>   |              |        |   |
| EU establishes autonomous Mali sanctions framework                   | <p>On 13 December 2021, the EU amended its sanctions regime with respect to Mali by establishing new criteria which will allow the EU to autonomously impose restrictive measures on individuals and entities responsible for threatening the peace, security or stability of Mali, or for obstructing the implementation of its political transition. Previously, the EU has only been able to implement United Nations sanctions on Mali into EU legislation, but this move allows the EU to go further.</p> <p>The new autonomous EU measures include a travel ban for individuals and the freezing of funds belonging to both individuals and entities. Persons and entities in the EU will also be prohibited from making funds available to those listed, directly or indirectly.</p> <p>On 4 February 2022, the EU designated five individuals under the Mali regime. The five designated people are subject to a travel ban, which prevents them from entering or transiting through EU territories, and an asset freeze. Moreover, EU citizens and companies are forbidden from making funds available to them, either directly or indirectly. Those designated include members of the Malian Transition Government who are accused of actions that obstruct and undermine successful political transition in Mali.</p> | Cross-sector |        | Commission Press Release <a href="#">Link</a> |
| EU and Kenya advance talks on interim Economic Partnership Agreement | <p>On 9 December 2021, the EU and Kenya agreed to advance negotiations on an interim Economic Partnership Agreement ("iEAPA"). The iEAPA will allow duty-free and quota-free access to the EU market for all Kenyan exports and a partial, gradual opening of the Kenyan market to EU exporters. As a result, the iEAPA is intended to enhance trade and investment opportunities, and help boost sustainable economic growth and job creation. The iEAPA will</p>   | Cross-sector |        | Commission Press release <a href="#">Link</a> |



| Development | Summary  | Sector | Impact | Links |
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|             | be complemented by binding commitments on environmental protection, climate and labour rights. |        |        |       |



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## Antitrust

| Development   | Summary  | Sector       | Impact                             | Links  |
|---|--|--------------|------------------------------------|--|
| Suppliers operating a selective distribution system can refuse to approve distributors meeting the selection criteria | <p>In a ruling dated 16 February 2022, the French Supreme Court confirmed that the head of a qualitative selective distribution network can refuse to approve distributors who nevertheless meet the selection criteria.</p> <p>A former car dealer terminated in 2003 was subsequently refused approval as a repairer of vehicles of the same make. The car manufacturer argued that the loss of trust resulting from a dispute between the two companies when the exclusive dealership contract was terminated was the reason for rejecting the former dealer's application for approval. The dealer argued that he met the selection criteria required to become a repairer of the brand's vehicles.</p> <p>The French Supreme Court held that no abuse of the right not to contract was characterised. The car manufacturer had, in good faith, without vindictive intent or any other intention to harm, referred to the dispute that had opposed the parties in connection with the previous exclusive dealership contract, highlighting the imperative need for mutual trust between the parties for the conclusion of a contract to be considered.</p> <p>In addition, the French Supreme Court confirmed that neither EU nor French competition law prohibits the mere refusal by the operator at the head of a qualitative selective distribution network, to approve distributors who meet the selection criteria. Only a discriminatory implementation of the latter having the object or effect of distorting</p> | Cross-sector | <span style="color: red;">●</span> | Judgment (in French)<br><a href="#">Link</a> |



| Development   | Summary  | Sector              | Impact   | Links   |
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| <p>French Competition Authority fines company for abusing its dominant position in the sector of air freight transport of pets to Polynesia</p> | <p>competition or a refusal having the same object or effect is prohibited under EU and French competition law.</p> <p>On 16 February 2022, the Authority found that GIP abused its dominant position in the sector of air freight transport of pets to Polynesia.</p> <p>People wishing to go to French Polynesia for a long period (expatriation, professional mobility, permanent move, etc.) with their pets, must first have their pet’s health checked by an official veterinarian which is carried out during the animal’s quarantine. As French Polynesia does not have the infrastructure to conduct these health checks, the animal must stay in the only mainland quarantine station authorised by the Polynesian authorities being a GIP station. Therefore, any person wishing to send their pet to French Polynesia from mainland France must put their pet in quarantine in the GIP station.</p> <p>If a person uses the GIP station, GIP requires them to use its services to organise their pet’s flight as well as its road transport service from the quarantine station to Roissy-Charles de Gaulle airport. GIP has always refused to separate these three different services, despite repeated requests from consumers and competing companies (freight forwarders). The Authority considered that the link that GIP imposes between the three services creates a leverage effect that removes competition either in the transport of animals from Le Grais to Roissy-Charles de Gaulle airport or in the organisation of air freight transport to French Polynesia. This exclusionary conduct by a dominant company is a serious infringement of competition law.</p> <p>GIP, which did not contest the facts, requested the benefit of a settlement procedure. In addition, GIP also proposed a commitment to publish and distribute a summary of the Authority’s decision, at the company’s expense, in order to inform and draw the attention of customers, the air carriers and freight forwarders concerned, as well as the Polynesian authorities, to the illegality of the tied selling practised to date. GIP also committed to publish on its website information on the Polynesian regulations, which now allow consumers an alternative solution to placing their dogs and</p> | <p>Cross-sector</p> | <p></p> | <p>Authority Press Release <a href="#">Link</a></p> |



| Development  | Summary   | Sector               | Impact | Links   |
|--|---|----------------------|--------|---|
|  | <p>cats in a quarantine station, namely a health check by an authorised veterinarian at the airport at the time of their shipment to French Polynesia. As a result, the Authority fined GIP EUR 65,000 and made the proposed commitments binding on the settlement agreement.</p>   |                      |        |   |
| <p>Authority initiates inquiry to analyse competition conditions in the cloud computing sector</p>   | <p>On 27 January 2022, the Authority announced that it is initiating proceedings ex-officio to analyse competition conditions in the cloud computing sector.</p> <p>According to the Authority, the cloud offers multiple advantages for consumers, companies and public administrations, with easy and fast access to computing resources. The cloud also allows for new types of work organisation, which has been particularly useful during the COVID-19 epidemic.</p> <p>The Authority's investigation will examine, in particular, the competitive dynamics of the cloud computing sector and the presence of players in the various segments of the value chain, as well as their contractual relationships, in an environment in which multiple alliances and partnerships are concluded for the provision of cloud services. The focus will also be on defining the relevant markets in the cloud sector, assessing the position and competitive advantages of the various players involved and examining the commercial practices that may be put in place. The Authority may also, where appropriate, make proposals to improve the competitive functioning of the sector.</p> <p>The Authority intends to conduct a public consultation on the sector inquiry in the summer and will issue its final conclusions in early 2023.</p> | TMT                  | ●      | <p>Authority Press Release <a href="#">Link</a></p> |
| <p>Paris Court of Appeal confirms the termination of the Peugeot authorised repairer contract to the detriment of a former dealer who had continued to sell new Peugeot vehicles</p> | <p>On 12 January 2022, the Paris Court of Appeal issued its decision in a case of selective automobile distribution. A former Peugeot car dealer, who had become a simple Peugeot authorised repairer as of 2005, began to offer new Peugeot vehicles on his website, believing that the open-ended authorised repairer contract entered into in 2011 with Peugeot entitled him to do so since, according to him, he had mentioned his activity of "selling new vehicles of all makes" in Appendix 3 of said contract, and thus declared to the head of the network his activity of selling new vehicles</p>  | Consumer Industrials | ●      | <p>Decision (in French) <a href="#">Link</a></p>    |



| Development  | Summary   | Sector          | Impact  | Links  |
|--|---|-----------------|---|--|
|  | <p>of all makes, including Peugeot. At the start of 2014, when Peugeot noticed that its former dealer was offering new Peugeot vehicles on its website, it terminated the authorised repairer’s contract.</p> <p>The Paris Court of Appeal held that the former dealer infringed Peugeot’s selective distribution network with full knowledge of the facts, since, as a car professional who had been part of the Peugeot authorised repairers network for several years, he could not have been unaware that a selective distribution network existed for the sale of new vehicles or vehicles registered for less than three months under the Peugeot brand in the EU.</p> <p>By offering for sale just over 70 Peugeot vehicles designated as new, he also committed a breach of contract sufficiently serious to justify termination. In this respect, the Court of Appeal confirmed the lawfulness of the distribution network for new Peugeot vehicles and therefore its enforceability against third parties, including the former dealer, with regard to the prohibition on resale to resellers outside the network. The Paris Court also stated that the selective sales network for new Peugeot vehicles was sufficiently sealed by the network head. Therefore, the Paris Court validated the termination of the Peugeot authorised repairer contract to the detriment of the former dealer.</p> |                 |   |  |
| <p>Authority confirms Samsung’s distribution network for televisions is lawful, and rejects a dealer’s claims regarding some distribution practices of Samsung</p> | <p>On 28 December 2021, the Authority ruled on certain practices conducted by Samsung following a complaint by a non-authorized dealer. The Authority held that Samsung’s selective distribution system is justified provided the products in question, Samsung’s Elite televisions, are positioned in a high-end segment with advanced technological properties.</p> <p>The Authority also considered two disputed clauses in Samsung’s distribution contract, consisting of :</p> <ul style="list-style-type: none"> <li>— an obligation to install and commission the televisions within a reasonable geographical area, which the Authority found to be justified and proportionate in light of the objectives it pursues</li> </ul>  | <p>Consumer</p> |  | <p>Decision (in French)<br/><a href="#">Link</a></p> |



| Development | Summary   | Sector | Impact | Links |
|-------------|---|--------|--------|-------|
|             | <ul style="list-style-type: none"><li>— a marketplace ban, which the Authority considered not only to be appropriate in view of the objective of guaranteeing the brand image and quality of the products, as the restriction allows Samsung to control the environment in which its high-end televisions are distributed, but which also “does not go beyond what is necessary” insofar as it does not go so far as to prohibit all online sales</li></ul> <p>With respect to Samsung’s other vertical practices, the Authority ruled out any abuse of a dominant position from the outset, given Samsung’s lack of a dominant position on the television market, and concluded that there was no evidence of a cartel with other operators.</p> |        |        |       |



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## Antitrust

| Development  | Summary  | Sector                   | Impact | Links  |
|--|--|--------------------------|--------|--|
| ACM in favour of two initiatives in which competitors work together in sustainable energy sector | <p>On 28 February 2022, the ACM announced that two collaboration initiatives between competitors active in the renewable energy sector were compatible with competition law. In 2020 and 2021 the ACM published draft Guidelines on Sustainability Agreements in which it set out the circumstances under which cooperation between competitors can be compatible with competition law. According to the ACM, the two collaboration initiatives were the first to be in scope of the draft Guidelines on Sustainability Agreements which have been deemed compatible with competition law.</p> <p>The first initiative concerned distribution system operators who wanted to agree to use a uniform price for CO2 emissions in calculation models they have to make for investments in the electricity grid. The other initiative concerned the joint purchase of energy that is produced by wind farms by different enterprises and organisations. One of the reasons why the ACM ruled in favour of this initiative was that it contributes to the climate goals of the Netherlands by enabling a variety of companies and organisations (and especially the smaller ones) to directly produce electricity from wind farms. ACM's press release stated that its decision is only in favour of one particular wind farm that still has to be tendered and that, as such, competition by other wind farms is not hindered.</p> | Energy                   |        | <p>ACM Press Release</p> <p><a href="#">Link</a></p> |
| ACM prohibits acquisition in healthcare sector   | <p>On 23 December 2021, the ACM announced that it had blocked the proposed acquisition by Mediq of Eurocept Homecare. The ACM found that the proposed acquisition</p>  | Health and Life Sciences |        | <p>ACM Press Release</p> <p><a href="#">Link</a></p> |

# Netherlands



| Development                                  | Summary  | Sector                   | Impact | Links                                  |
|--|--|--------------------------|--------|--|
|  | would have further enhanced Mediq's position on the market for providing ambulatory electronic infusion pumps to patients that receive care at home, as Eurocept Homecare is Mediq's largest competitor in the Netherlands. As a result, Mediq would not have encountered sufficient competitive pressure.   |                          |        |  |
| ACM prohibits acquisition of medical clinics | On 24 December 2022, the ACM announced that it had blocked the proposed acquisition of a number of medical clinics by Bergman Clinics, the market leader in private clinical specialist care in the Netherlands. The ACM found that the proposed transaction would only have increased its market power towards Dutch healthcare insurers and would have had a negative impact on competition, leading to higher prices for specialist healthcare. | Health and Life Sciences |        | ACM Press Release <a href="#">Link</a> |



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## Antitrust

| Development   | Summary   | Sector                   | Impact | Links                                    |
|---|---|--------------------------|--------|--|
| Anti-competitive data exchange between pharmaceutical wholesalers                         | On 2 March 2022, the UOKiK initiated antitrust proceedings against eight pharmaceutical wholesalers and two software providers. Based on evidence gathered during dawn raids conducted in September 2020, the UOKiK alleges that the pharmaceutical wholesalers exchanged commercially sensitive information including price lists, discounts granted and margins using software in breach of competition law.  | Health and Life Sciences | ●      | <a href="#">UOKiK Press Release Link</a> |
| UOKiK initiates proceedings against Karcher   | On 24 January 2022, the UOKiK initiated antitrust proceedings against Karcher for alleged resale price maintenance (" <b>RPM</b> "). The UOKiK alleges that Karcher forced its online and in-store distributors to comply with fixed prices for the sale of its pressure washers, vacuum cleaners and steamers from 1990, when it entered the Polish market, to 2005.<br><br>The UOKiK carried out dawn raids at Karcher's Polish headquarters in June 2021 following an anonymous tip-off. | Cross-sector             | ●      | <a href="#">UOKiK Press Release Link</a> |
| DAF truck dealers and eight managers fined EUR 26.8 million for participating in a cartel | On 11 January 2022, UOKiK announced that it had fined six DAF truck dealers and eight managers a total of EUR 26.8 million for dividing the Polish market to enable each dealer to sell their trucks in a specific area in Poland. In a separate cartel, the UOKiK found that some of the same DAF truck dealers exchanged commercially sensitive information regarding tenders.  | Cross-sector             | ●      | <a href="#">UOKiK Press Release Link</a> |

# Poland



| Development | Summary   | Sector | Impact | Links |
|-------------|---|--------|--------|-------|
|             | <p>UOKiK’s investigation revealed that management took an active role in the agreement by, among other things, disciplining their salespeople to stick to the arrangement, even under the threat of being fired or having their pay taken away. This is the fourth decision since 2021 that the UOKiK has imposed fines on individuals.</p> |        |        |       |



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## Antitrust

| Development   | Summary   | Sector                        | Impact | Links  |
|---|---|-------------------------------|--------|--|
| New CAT rules on handling super-confidential or super-sensitive material    | On 28 February 2022, the Competition Appeal Tribunal (" <b>CAT</b> ") published a new Practice Direction setting out how it will handle super-confidential or super-sensitive material. It will include material involving public interest issues of national security in light of the new National Security and Investment Act regime.   | Cross-sector                  |        | Practice Direction<br><a href="#">Link</a>                                     |
| UK Government consults on draft Vertical Agreements Block Exemption Order   | On 21 February 2022, BEIS published the draft VABEO for consultation. The final version will replace the retained VBER which will expire on 31 May 2022. Our briefing explains the proposed changes and the points of divergence with the draft revised VBER.   | Cross-sector                  |        | Client Briefing<br><a href="#">Link</a><br>Draft VABEO<br><a href="#">Link</a> |
| BEIS publishes review of Public Transport Ticketing Schemes Block Exemption | On 18 February 2022, BEIS published its post-implementation review of the Public Transport Ticketing Schemes Block Exemption (" <b>Ticketing Block Exemption</b> "), which is due to expire in 2026. The Ticketing Block Exemption exempts certain integrated ticketing schemes, agreed between transport operators, from the Chapter I prohibition of the Competition Act 1998. BEIS concluded that the Ticketing Block Exemption broadly achieves its purpose and provides legal certainty for transport operators in relation to the types of agreements | Government and Infrastructure |        | BEIS Report<br><a href="#">Link</a>  |



| Development   | Summary  | Sector                   | Impact | Links                                   |
|---|--|--------------------------|--------|---|
|   | which will not breach competition law. Also, the establishment of integrated ticketing schemes remains beneficial, with a fair share of the benefits flowing to consumers.   |                          |        |   |
| "Five Eyes" competition agencies launch new working group to put supply chain businesses on notice against collusion            | In the light of the COVID-19 pandemic-induced supply chain disruptions leading to much higher freight rates and more expensive goods for consumers, on 17 February 2022, the "Five Eyes" competition agencies (the CMA, DoJ, the Australian Competition and Consumer Commission, the Canadian Competition Bureau and the New Zealand Commerce Commission) launched a new working group putting companies involved in global supply chains on notice not to collude. Please refer to our client briefing for more information.  | Cross-sector             |        | Client Briefing <a href="#">Link</a>    |
| The Competition Act 1998 (Health Services for Patients in England) (Coronavirus) (Public Policy Exclusion) Order 2022 published | On 14 February 2022, the Competition Act 1998 (Health Services for Patients in England) (Coronavirus) (Public Policy Exclusion) Order 2022 (" <b>Order</b> ") was published. This excludes the Chapter I prohibition from applying to agreements between the National Health Service Commissioning Board (NHS England) and providers who are not part of the NHS, between other NHS bodies and independent providers or between independent providers during the period 7 December 2021 to 31 March 2022, relating to certain information sharing, coordination and joint purchasing measures. The Order will expire on 31 March 2022.   | Health and Life Sciences |        | Order <a href="#">Link</a>              |
| FCA intends to launch two market studies on accessing and using financial markets wholesale data                                | On 11 January 2022, the Financial Conduct Authority (" <b>FCA</b> ") published a feedback statement on accessing and using financial markets wholesale data in which it confirmed that it intends to launch two market studies, as it found limited competition in markets for benchmarks, indices, credit ratings and trading data.<br><br>The contracts for benchmarks and indices market study will be launched in summer 2022 and will investigate complex contracts for benchmarks and indices, and whether the contracts prevent switching to cheaper, better quality or more innovative alternative providers. The charges for credit ratings data market study will be launched by the end of 2022 and will assess if high charges for access to | Financial Services       |        | Feedback Statement <a href="#">Link</a> |



| Development  | Summary  | Sector                      | Impact | Links  |
|--|--|-----------------------------|--------|--|
|  | credit ratings data is adding costs to investors and limiting market entry.  |                             |        |  |
| CMA fines companies over £35 million for anti-competitive arrangement for the supply of prochlorperazine | On 3 February 2022, the CMA announced that it had issued fines totalling over £35 million relating to an anti-competitive agreement between several pharmaceutical firms for the supply of the anti-nausea tablet, prochlorperazine. The CMA found that the firms entered into an arrangement under which a competitor was paid not to launch a product. As a result, between 2013 and 2017, the prices paid by the NHS for the drug rose from £6.49 per pack of 50 tablets to £51.68, an increase of 700%. This follows a number of previous investigations conducted by the CMA in the pharmaceutical sector.  | Health and Life Sciences    |        | CMA Press Release<br><a href="#">Link</a>  |
| CMA launches market study into music and streaming services  | On 27 January 2022, the CMA launched a market study into music and streaming services. This follows a CMA announcement in October 2021 of its intention to conduct such a market study following a recommendation by the Select Committee of the Department for Digital, Culture, Media and Sport for the CMA to consider how the major music groups' market position in both recording and publishing has influenced the relative value of song and recording rights. The CMA must announce within six months whether or not it intends to make a market investigation reference and it must publish its final report on the market study within 12 months. | Consumer TMT                |        | CMA Press Release<br><a href="#">Link</a><br>Client Briefing<br><a href="#">Link</a> |
| PSR publishes draft remedies following card-acquiring market review                                      | On 26 January 2022, the Payment Systems Regulator (" <b>PSR</b> ") published initial remedies to improve competition in the card-acquiring market for consultation. In its final report, the PSR found that the supply of card-acquiring services does not work well for merchants with annual card turnover up to £50 million. The proposed remedies seek to improve transparency on pricing; provide merchants with access to comparison tools, improve engagement by merchants and enable them to switch providers more easily. The deadline to respond to the consultation is 6 April 2022.  | Consumer Financial Services |        | Consultation<br><a href="#">Link</a><br>Client Briefing<br><a href="#">Link</a>      |



| Development   | Summary  | Sector                      | Impact | Links                             |
|---|--|-----------------------------|--------|-----------------------------------|
| FCA publishes 2022 progress report on competition in retail banking markets | <p>On 20 January 2022, the FCA published an updated progress report following its strategic review of retail banking business models.</p> <p>The FCA's main conclusions include:</p> <ul style="list-style-type: none"> <li>— Large banks are in a strong position, but face increasing competition, in particular for personal current accounts</li> <li>— Low levels of consumer engagement have historically contributed to high barriers to entry and expansion. Digital challengers have rapidly gained share in the PCA and business current account markets</li> <li>— Competition in the mortgage market has intensified, causing yields to fall</li> <li>— Yields on consumer credit have also fallen, particularly on unarranged overdrafts;- Large banks did proportionately more micro-business lending under the government schemes than most other banks</li> <li>— Increased competition and innovation have improved outcomes for some consumers and small businesses. However, others, particularly consumers with heavy branch usage or lower balances, may have had worse outcomes</li> </ul> | Financial Services          |        | Report <a href="#">Link</a>       |
| FCA publishes revised guidance on its competition powers                    | <p>On 19 January 2022, the FCA published updated guidance on the exercise of its powers and procedures under the Competition Act 1998 to reflect changes made to the CMA's procedures, the extension of the FCA's concurrent powers to include claims management services and the FCA's approach to voluntary redress.</p>   | Financial Services          |        | FCA Guidance <a href="#">Link</a> |
| PSR publishes 5-year strategy   | <p>On 13 January 2022, the PSR published its five-year strategy. In relation to competition, it aims to promote competition between and within payment systems; protecting users where that competition is not sufficient and intends to take the following actions:</p> <ul style="list-style-type: none"> <li>— develop the interbank systems to provide greater competition for the provision of payment services</li> <li>— take forward work to examine the basis for scheme fees and cross-border interchange fees</li> </ul>  | Consumer Financial Services |        | PSR Strategy <a href="#">Link</a> |



| Development   | Summary  | Sector       | Impact | Links                                  |
|---|--|--------------|--------|--|
|   | <ul style="list-style-type: none"> <li>keep under review the need for the PSR to regulate in other areas to protect consumers and businesses</li> </ul>  |              |        |  |
| CMA secures director disqualification in Nortriptyline investigation                  | On 11 January 2022, the CMA announced that it had secured the disqualification of a pharmaceutical company director from being a director or involved in the management of any company based in England, Scotland or Wales for 4 years for his involvement in anti-competitive practices relating to nortriptyline. This follows the CMA's decision in March 2020 which found that a number of pharmaceutical companies had shared commercially sensitive information relating to the drug in breach of competition law.   | Cross-sector |        | CMA Press Release <a href="#">Link</a> |
| CMA sends Statement of Objections to Dar Lighting                                     | On 16 December 2021, the CMA announced that it had sent a Statement of Objections to Dar Lighting Limited provisionally finding that it engaged in RPM by preventing online retailers from offering discounts in breach of competition law. This is the second time in recent years that the CMA has investigated a company in the lighting industry for engaging in RPM.  | Cross-sector |        | CMA Press Release <a href="#">Link</a> |
| CMA publishes interim report on UK mobile ecosystems                                  | On 14 December 2021, the CMA published its interim report relating to its market study into UK mobile ecosystems. Following its assessment of competition in the supply of mobile devices and operating systems as well as competition in the distribution of mobile apps, its initial view is that it is extremely difficult for firms to enter and compete meaningfully with a new system. In light of the complexity and wide range of the possible measures to address the competition concerns provisionally identified, the CMA considers that it would be more appropriate for this to be taken forward by the new Digital Markets Unit, under the new regime. It has, therefore, decided that it would not be appropriate to make a market investigation reference at this time. | Consumer TMT |        | Interim Report <a href="#">Link</a>    |
| Communications and Digital Committee publishes follow-up report on digital regulation | On 13 December 2021, the House of Lords Communications and Digital Committee (" <b>Committee</b> ") published its report "Digital regulation: joined-up and accountable" relating to the work of digital regulators in the UK. It found that the creation of the Digital Regulation Cooperation Forum (" <b>DRCF</b> "), composed of the CMA, the Office of  | Cross-sector |        | Report <a href="#">Link</a>            |



| Development | Summary   | Sector | Impact | Links |
|-------------|---|--------|--------|-------|
|             | <p>Communications, the Information Commissioner's Office and the FCA, has improved regulatory horizon scanning. The Committee is, however, concerned that it lacks robust systems to coordinate objectives and to sort out potential conflicts between different regulators as the workload expands.</p> <p>The Committee recommends that:</p> <ul style="list-style-type: none"><li>— the DRCF's current approach to co-operation between members be formalised, with the introduction of statutory measures such as new duties to consult and the creation of statutory information sharing mechanisms to facilitate joint work between regulators</li><li>— the DCRF's membership be expanded and its links with industry and academia be strengthened</li><li>— the DRCF (to be renamed the Digital Regulation Board) be placed on a statutory footing</li><li>— a joint committee of both Houses of Parliament should be established to oversee digital regulation</li></ul> |        |        |       |



## Foreign Investment

| Development                                     | Summary  | Sector       | Impact | Links  |
|---|--|--------------|--------|--|
| Launch of UK national security screening regime | On 4 January 2022, the UK's new NSI screening regime entered into force. This will mean that a wide range of transactions completed since 12 November 2020 will be required to make a mandatory notification to the Investment Security Unit and obtain clearance before the deal can close. The new NSI screening regime will result in an increased regulatory burden for businesses and could impact their timelines. Failure to abide by the new rules could also lead to significant penalties. Please visit our Foreign Investment Hub for more information. | Cross-sector |        | <a href="#">FDI Hub</a><br><a href="#">Link</a><br>Client Briefing<br><a href="#">Link</a> |



## Trade

| Development   | Summary  | Sector       | Impact | Links  |
|---|--|--------------|--------|--|
| UK-South Korea sign supply-chain deal                     | <p>On 7 February 2022, the UK and South Korea signed a new strategic agreement to increase supply chain resilience following the global chip shortage and other supply chain issues caused by the global response to the COVID-19 pandemic. The groundwork was also laid for an enhanced trade deal between the two countries, whose current trade relationship is now worth £13 billion, having grown 11% between 2020 and 2021.</p> <p>International Trade Secretary Anne-Marie Trevelyan said, "This is our Indo-Pacific tilt in action – strengthening ties with one of the largest economies in the world. From offshore wind to hydrogen, 2021 saw many examples of the growing collaboration between our two nations – particularly on clean growth. I'm excited to build on our existing trade agreement, going even further in areas like technology and services."</p>   | Cross-sector |        | <p>Press release</p> <p><a href="#">Link</a></p> |
| High Court suspends order to halt Irish Sea border checks | <p>On 4 February 2022, the High Court confirmed that inspections on goods entering Northern Ireland from Great Britain must continue, pending the outcome of legal challenges. These checks are required by the Northern Ireland Protocol, which was implemented in order to prevent a 'hard border' on the island of Ireland after the end of the transition period following the UK's departure from the European Union. Agriculture Minister Edwin Poots, of the Democratic Unionist Party, had ordered officials to halt the checks.</p> <p>The Northern Ireland Protocol remains the subject of ongoing controversy particularly among the Unionist community which accuses it of causing economic disruption and undermining the status of Northern Ireland as a UK constituent member. The UK and EU positions on the issue remain far apart. The EU insists checks are necessary to protect the integrity of the Single Market, while the UK accuses the EU of applying the Protocol too rigidly and has threatened to activate Article 16, temporarily suspending the Protocol, if Unionist concerns are not addressed.</p> | Cross-sector |        | <p>News article</p> <p><a href="#">Link</a></p>  |



| Development  | Summary   | Sector                               | Impact  | Links   |
|--|---|--------------------------------------|---|---|
|  | <p>Article 16 was briefly activated by the EU in January 2021 as part of a wider diplomatic row over vaccine exports.</p>   |                                      |   |   |
| <p>UK lifts suspension on licencing military exports to Turkey</p> | <p>On 13 December 2021, the UK Department for International Trade issued a notice confirming the removal of the suspension on the licensing of military exports from the UK to Turkey. The suspension on licensing of military exports was put in place in October 2019 for items that could be used by Turkey’s military offensive in Syria which, at the time, aimed to remove Syrian Kurdish forces from its border.</p> | <p>Government and Infrastructure</p> |  | <p>Notice to Exporters<br/><a href="#">Link</a></p> |

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## Trade

| Development                              | Summary   | Sector       | Impact | Links  |
|--|---|--------------|--------|--|
| US removes Burundi sanctions regulations | <p>On 11 February 2022, the Office of Foreign Assets Control in the US (“<b>OFAC</b>”) removed the Burundi Sanctions Regulations which implemented the US Burundi sanctions regime. The regulations have been removed as a result of the termination of the national emergency on which the regulations were based.</p> <p>On November 18 2021, the US President issued Executive Order 14054 “Termination of Emergency With Respect to the Situation in Burundi”, which states that the situation that gave rise to the declaration of a national emergency which underpinned the existing sanctions regulations had been significantly altered by the events of the past year. Namely, the transfer of power following the 2020 elections in Burundi significantly decreased violence along with sectoral reforms within Burundi.</p> | Cross-sector |        | <p>US Federal Register Entry <a href="#">Link</a></p> <p>OFAC Press Release <a href="#">Link</a></p> |

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