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EUROPEAN ANTITRUST AND OTHER REGULATORY UPDATES FOR THE AUTOMOTIVE INDUSTRY

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Agenda

- Section 01 – Introductions
- Section 02 – The EU's Green Deal
- Section 03 – Digital Markets Act (DMA)
- Section 04 – Subsidies
- Section 05 – European Chips Act
- Section 06 – Data
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- Section 08 – Fuel Prices
- Section 09 – Standard-Essential Patents Update
- Section 10 – Questions

The EU's Green Deal

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Green Deal

Combustion engine:

Policy meets reality

Alliances:

Antitrust guidance

ESG:

Due Diligence Call

Energy crisis:

Clash of interests

Digital Markets Act

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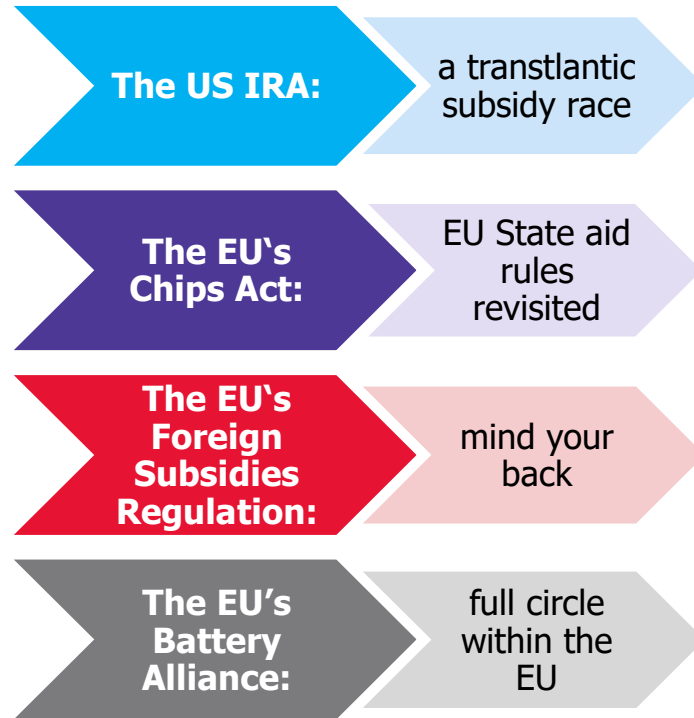
Digital Markets Act

- Entry into force on 1 November 2022
- Main provisions will apply from 2 May 2023
- Aims to ensure that large online platforms who act as “gatekeepers” behave in a fair way vis-à-vis their business partners and consumers
- Relevance for automotive sector due to increased involvement of Big Tech companies along the automotive value chain
 - Letter by Sen. Elizabeth Warren to Lina Khan (FTC) and Jonathan Kanter (DoJ)

Subsidies

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Subsidies



European Chips Act

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European Chips Act

- Intention to bolster Europe's competitiveness and resilience in semiconductor technologies and applications
- Focus on State aid for European semiconductor manufacturing facilities
- Close scrutiny of foreign investments in European companies in the semiconductor industry and the semiconductor supply chain
- Semiconductor partnerships with like-minded countries
- Crisis response toolbox
- Currently only draft proposal, might become effective in 2023

Data

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Data

Privacy is only part of
the story

Who owns the data?

Who can use the data
and for what purpose?

Who can access the
data and on what
terms?

Motor Vehicle Block
Exemption Regulation:
Data is "essential input"

Supply Chain

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Supply Chain

EU Raw Materials Act:

- play local

ESG Directive:

- play conscious

Supply chain disruption:

- be flexible

Import/export restrictions:

- be alert

Fuel Prices

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Fuel Prices

- Market Transparency Unit for Fuels at the German Federal Cartel Office
- German FCO has launched an investigation into the mineral oil sector, following a decoupling of fuel prices and raw oil prices in early 2022
 - Interim report expected this fall
- Draft Act against Restraints of Competition (*GWB*)
 - FCO to impose behavioral or structural remedies following a sector inquiry, without proving a specific violation of competition law
 - “No-fault” disgorgement of profits in the event of a proven violation of competition law

Standard-Essential Patents Update

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Standard-Essential Patents Update

- Standard-essential patent
 - A **patent** that protects technology **essential** to a **standard**
- November 2020: Decision by Regional Court Düsseldorf
 - Referral of case to the ECJ
 - Termination of the proceedings by out-of-court settlement
- German Patent Law Modernization Act has taken effect on 1 May 2022
 - Principle of proportionality in patent infringement proceedings
 - Synchronization of injunction and nullity proceedings: Early preliminary opinion from German Federal Patent Court
 - Law on the Protection of Trade Secrets to be applied in patent proceedings

Questions?

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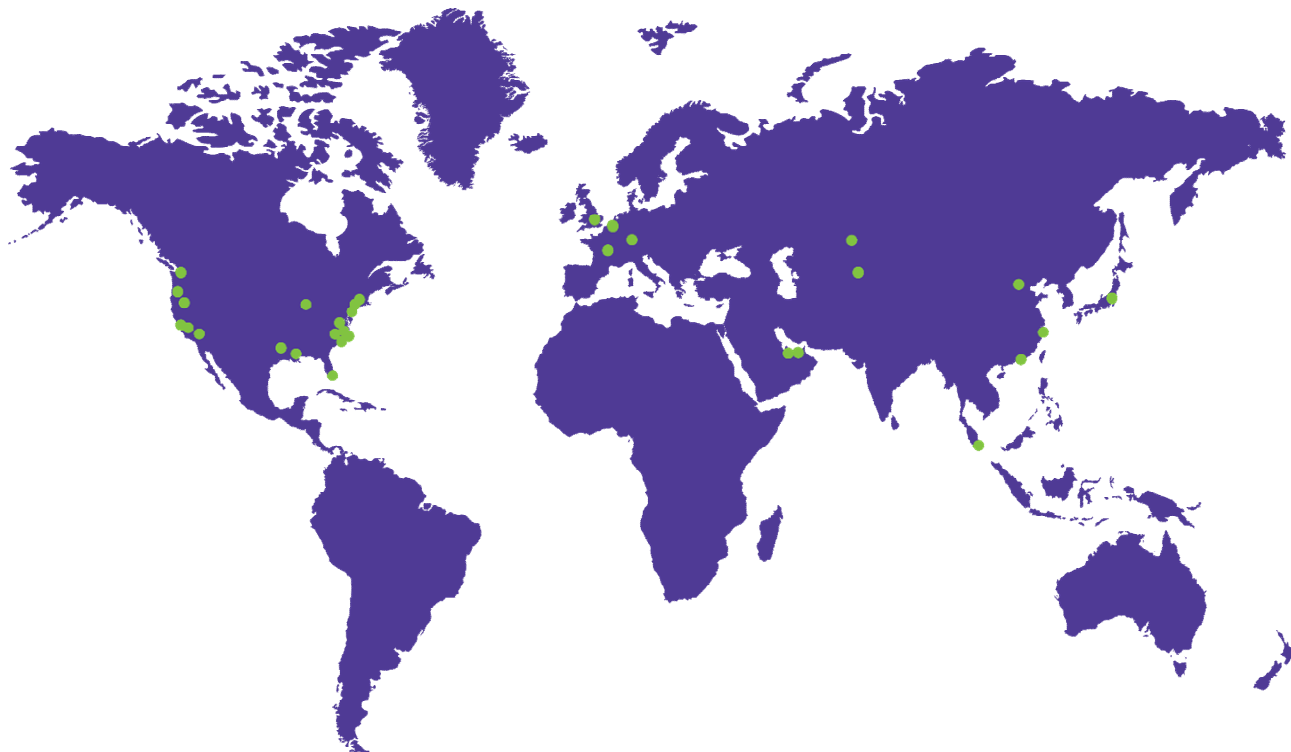
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