

Your World First

C'M'S'  
Law . Tax



Competition & EU



# Competition & EU

---

The CMS Competition & EU Group is one of the largest competition teams in Europe and offers you the most widespread pan-European coverage. With more than 180 competition lawyers based in 34 countries, our competition practice is a one-stop solution for clients across Europe and beyond through our strong and growing teams in China, Latin America and Africa. Today's CMS lawyers are continuing a successful track record of more than 50 years' experience, covering hundreds of competition law cases including many landmark cases by the EU and national courts and competition authorities.



## Global approach

Our global approach is reflected by our offering and track record. Next to our local advice we often coordinate work that involves other jurisdictions outside Europe. Our work with the World Law Group – an organisation combining 59 member firms with more than 400 offices in 88 countries world-wide – offers real benefits to clients.



## Sector specialisation

Our specialist expertise in key sectors delivers unique results. We focus on understanding the needs of our clients, combining industry and competition law expertise.



## Advice in all areas of competition law

We act for clients in all areas of competition law: distribution agreements and other agreements comprising horizontal and vertical restraints; abuse of dominance; merger control (particularly complex multijurisdictional filings) private enforcement; state aid; investigations and compliance. We are among the market leaders in damage claims proceedings where we represent claimants as well as defendants in numerous proceedings.



# Facts and Figures

---

Number of  
**partners** globally

61

Number of  
**lawyers** globally

182



Involved  
in **landmark**  
**cases**

**More**  
**than 180**  
competition  
lawyers

**48 offices**  
**in 34**  
**jurisdictions**  
in Europe,  
China, Africa,  
Latin America

**Worldwide**  
**network** of  
competition  
experts  
even beyond  
the CMS  
jurisdictions

Strong  
presence  
in **Brussels**  
through the  
**CMS EU**  
**Law Office**

In the last three years alone **more than 300** merger  
control filings and **more than 250** other competition  
law proceedings

Track record  
of **50 years'**  
experience

**Specialisation in key sectors**, including: automotive, banking & finance,  
consumer products, energy, infrastructure & projects, insurance, life sciences,  
hotel & leisure, real estate & construction, technology, media & communications

## Global directory rankings

CMS features prominently in the 2019 edition of GCR 100, an industry-leading comprehensive listing of top competition law firms and economic consultancies doing the most important antitrust work around the world. We are highly ranked in: Austria, Belgium, Germany, Italy, Netherlands, Poland, Russia, Spain, Switzerland, United Kingdom.

Our competition teams are top ranked by Chambers and/or Legal 500 in 19 countries. We have 29 lawyers ranked by Chambers and Legal 500 among the top competition law experts in their jurisdictions.



# What we can do for you

---

## Focus on clients' needs

- **EU and national merger control:** Obtaining clearances and coordinating multi-jurisdictional filings worldwide. Advising on merger control feasibility. Acting on behalf of interveners.
- **Cartels:** Representing clients in dawn raids, cartel proceedings and leniency applications.
- **Abuse of dominance:** Representing clients in investigations. Advising on commercial agreements of potentially dominant companies. Structuring and advising on business and pricing strategies.
- **Horizontal restraints:** Advising on, screening and structuring joint ventures, marketing, cooperation and other commercial agreements.
- **Vertical restraints:** Structuring and advising on distribution agreements and licensing agreements. Advice on e-commerce and international trade strategies.
- **Private enforcement:** Advising and representing clients concerning cartel damages claims and access to supply claims.
- **Competition compliance:** Audits, internal investigations, implementation of compliance programmes and training.
- Compliance with other **regulatory issues** in numerous sectors such as **electricity, gas, water and telecommunications.**
- **Access to Authorities:** Representation before the European Commission and national competition authorities as well as before courts, at the EU or the national level.

## Sector specialisation

What makes our practice outstanding is the extent of our specialisation in particular industry sectors. We tirelessly build up expertise with the sole aim of understanding better the needs of our clients. We combine industry and competition law expertise to the benefit of our clients.

Our advice includes:

- E-commerce and pricing, distribution systems, shelf space arrangements, category management and listing fee issues when advising consumer products companies.
- Access to essential facilities, long-term and capacity reservation agreements when advising the energy, oil and gas sector.
- Pricing of dominant products, parallel trade and stock management systems when working for pharmaceutical businesses.



# Dawn Raid Support

---

## The CMS Dawn Raid Network

Our well-established CMS Dawn Raid Network provides immediate response by experienced lawyers in more than 50 countries worldwide. Because we believe that prevention is better than cure, we offer a CMS Dawn Raid Package of guidelines and action points, standardised across all CMS member jurisdictions and available in local languages, together with training on dealing with investigations and raids.

## The CMS Dawn Raid App

To put knowledge in your hands, we combined the CMS Dawn Raid Package of checklists, instructions and guidelines across 27 CMS countries in our new, free of charge, mobile app. With its alert function we can provide you with immediate, step-by step assistance during a dawn raid.

<https://cms.law/en/INT/Online-Services/CMS-Client-Services/CMS-Dawn-Raid-App>

## What CMS can do to help

### Training – brief, focused, practical

### Mock dawn raid

### Guidelines and checklists for receptionists, lawyers, managers and board members

### Instant response team

- single point of contact – responsible coordinator
- lawyers at your offices under CMS guidance (even where no CMS office)
- organise company support team

### Deal with investigation

- follow up submissions
- handle leniency applications
- liaison with competition authority



This highly recommended firm in antitrust impressed once again in proceedings for long-standing clients.

Juve



# Highlights of our recent experience

## International Fertilizer Association

Assistance with antitrust compliance around the world, including the US: audits to ensure competition law compliance; legal updates; employee training and day-to-day advice.

## FIFA

Representing FIFA in the Doyen Sports/Seraing cases on the legality of the FIFA prohibition on third-party ownership in the context of the sporting sanctions imposed on football club Seraing (transfer prohibition for several transfer windows).

## GSK

Advised GSK on the first ever reference to the European Court of Justice by the Competition Appeal Tribunal in an ongoing reverse patent settlement appeal.

## Leading international technology group

Advising on the establishment of a joint venture with a Chinese company. Advice covers legal due diligence, drafting the entire documentation and merger control filing, including clearance by China's anti-monopoly authority and coordination work for multi-jurisdiction approvals.

## German Brand Association

Federal Court Justice EDEKA/Kaiser's Tengelmann proceedings; representation of Trade Mark Association as representative of consumer goods industry in the proceedings on the breach of the prohibition on enforcement.

## Bayer

Representation of Bayer in the Swiss administrative proceedings regarding price recommendations for medication against erectile dysfunction traded over-the-counter – the most important antitrust case in the pharma sector in Switzerland to date.

## OTP Bank Group

Advising on the acquisition of Société Générale's subsidiaries in six jurisdictions in Central and Eastern Europe (CEE) and coordinating 26 cross-border merger filings in this respect.

## Atlas Copco

Advising on the acquisition of the Cryogenic Business of Brooks Automation, Inc. (USA) and Brooks Automation's 50% share in ULVAC CRYOGENICS, INC (JAP); advising on merger control proceedings of the German Federal Cartel Office and coordination of filings in the US, South Korea, Taiwan, China and Austria.

## Telefonica

Advising on the largest merger control case in Germany concerning the acquisition of rival E-Plus – a EUR 8.5bn transaction followed by a very detailed second phase merger control investigation by the European Commission.

## NYK (Nippon Yusen Kabushiki Kaisha)

Assisting NYK during an investigation by the European Commission following the EC fines totalling EUR 395m on four maritime car carries for their participation in a cartel in relation to intercontinental maritime transportation of vehicles.

## Komatsu

Obtaining merger clearance from the FAS for acquisition of Joy Global; one of the biggest M&A transactions in the industry in 2016

## Lactalis

Appeal before the Spanish National Court of the Spanish Competition Authority's decision, which declared that the main Spanish dairy producers (including LACTALIS) had committed an infringement of competition Spanish and EU law (exchange of information on purchase prices, milk surpluses and breeders) imposing fines of up to EUR 88m.



# Steering Committee

---



**Michael Bauer**  
Head of CMS Competition & EU Group  
Brussels  
**T** +32 2 6500 421  
**E** michael.bauer@cms-hs.com



**Małgorzata Urbańska**  
Partner  
Warsaw  
**T** +48 22 520 5597  
**E** malgorzata.urbanska@cms-cmno.com



**Dirk Van Liedekerke**  
Partner  
Brussels  
**T** +32 2 674 8570  
**E** dirk.vanliedekerke@cms-db.com



**Marquard Christen**  
Partner  
Zurich  
**T** +41 44 285 11 11  
**E** marquard.christen@cms-vep.com



**Caroline Hobson**  
Partner  
London  
**T** +44 20 7367 2056  
**E** caroline.hobson@cms-cmno.com

“

Great communication skills, excellent sense of urgency, and impressive market awareness.

*Chambers Europe*

“

I find these lawyers excellent: they have strong business acumen and a high level of confidence in what they do. They are hands-on and responsive, maintaining an ideal balance between professionalism and warmth.

*Chambers Europe*



Law.Tax

**Your free online legal information service.**

A subscription service for legal articles  
on a variety of topics delivered by email.

[cms-lawnow.com](http://cms-lawnow.com)

---

CMS Legal Services EEIG (CMS EEIG) is a European Economic Interest Grouping that coordinates an organisation of independent law firms. CMS EEIG provides no client services. Such services are solely provided by CMS EEIG's member firms in their respective jurisdictions. CMS EEIG and each of its member firms are separate and legally distinct entities, and no such entity has any authority to bind any other. CMS EEIG and each member firm are liable only for their own acts or omissions and not those of each other. The brand name "CMS" and the term "firm" are used to refer to some or all of the member firms or their offices.

**CMS locations:**

Aberdeen, Algiers, Amsterdam, Antwerp, Barcelona, Beijing, Belgrade, Berlin, Bogotá, Bratislava, Bristol, Brussels, Bucharest, Budapest, Casablanca, Cologne, Dubai, Duesseldorf, Edinburgh, Frankfurt, Funchal, Geneva, Glasgow, Hamburg, Hong Kong, Istanbul, Kyiv, Leipzig, Lima, Lisbon, Ljubljana, London, Luanda, Luxembourg, Lyon, Madrid, Manchester, Mexico City, Milan, Monaco, Moscow, Munich, Muscat, Paris, Podgorica, Poznan, Prague, Reading, Rio de Janeiro, Riyadh, Rome, Santiago de Chile, Sarajevo, Seville, Shanghai, Sheffield, Singapore, Skopje, Sofia, Strasbourg, Stuttgart, Tirana, Utrecht, Vienna, Warsaw, Zagreb and Zurich.

---

[cms.law](http://cms.law)