

European & Competition Law





Standing out from the Crowd

Find out what makes us stand out from the rest

- Our lawyers take their work seriously, not themselves.
- Our structure allows both the client and associates **easy access to partners**, helping to **nurture talent and solve issues swiftly and efficiently**. We focus on practising law with the sophistication of larger organisations while maintaining the passionate involvement of a smaller firm. Like our clients, we are entrepreneurs and we understand what makes the difference.
- We **invest in long-term partnerships** with our clients, building up a genuine knowledge of their businesses and generating win-win formulas. This is why we introduced a range of **alternative pricing models** (including time based, budget based, tranche based and result based models).
- Furthermore, we believe in reasonable, realistic pricing and value for money, a formula that has allowed our business to continue to grow year after year.
- We **operate in an efficient and transparent way**; fees and arrangements are clear and clients can check the progress of their transactions through a dedicated secure extranet.
- We work hard to be a truly client-focused law firm. This means understanding the unique needs and challenges of each market sector and providing a service that's tailored to the particular concerns and requirements of each client.



"A key strength is their pragmatism and the way CMS DeBacker gets to understand the business by getting to know us, building the relationship and understanding what is important and what is not."

Feedback from a large international bank



Our European & Competition Expertise

Our team is led by Annabelle Lepière. Stijn Claeys, Sébastien Engelen, Mathilde Neumann and Hanne Baeyens complete the team of highly dedicated and experienced professionals with a passion for their work.

The European and Competition law team provides a full range of services regarding:

- Competition law rules
 - abuse of dominant position
 - cartels
 - distribution agreements (franchise, licensing contracts)
 - mergers
- State aid
- EU freedoms (goods, persons and capital)
- Litigation before the EU Courts



“CMS DeBacker’s Belgian competition practice is headed by Annabelle Lepière, there since 1997, who is assisted by three associates, Sébastien Engelen, Mathilde Neumann and Hanne Baeyens. The group advises companies in cartel and abuse of dominance investigations by the Belgian authority, and is also particularly renowned for its work on state aid matters.

Lepière defends a large group of slaughterhouses in the Belgian authority’s investigation of alleged market-sharing activities in the market for BSE testing and helped a German chocolate producer obtain the dismissal of allegations of collusion in the Belgian enforcer’s cartel case. She also assists airport luggage handling company Flightcare in a cartel investigation and in the company’s acquisition by Swissport. On the abuse of dominance front, CMS represents a media publisher accused of abusing its dominant position by imposing discriminatory prices, and advises complainants against Electrabel and Bpost.

The firm also worked on the Belgian merger notification of Crédit Agricole’s €527 million proposed acquisition of Centea, the retail banking unit of KBC. Lepière advises a number of Belgian airports and local governments, including Brussels Charleroi airport and the Walloon region, on state aid matters.”

Global Competition Review, 2012



A Proven Track Record

Competition Law

We provide legal advice (analysis of commercial contracts with regard to antitrust rules), lodge complaints before the European Commission or national competition authorities (abuses of dominant position, illegal agreements or opposition to a merger) or represent undertakings in antitrust investigations and file merger notifications with them. We also launch proceedings before the European and national courts.

We are part of the European dawn raid response team set up by CMS.

State Aid

We have developed a recognised in-depth expertise in State aid, assisting both public authorities and beneficiaries. This expertise includes legal advice on the compatibility of public interventions with Treaty on the functioning of the EU and, when necessary, notifications of public interventions or aid schemes to the European Commission or proceedings before the EU Courts.

Liberalisation (Energy, Tele-communications, Postal services and Utilities companies)

In cooperation with other CMS DeBacker departments, we help to take advantage of the benefits of recently liberalised sectors. We also advise public authorities regarding the European regulations relating to the Energy, Telecommunications, Postal services and Utilities sectors.

EU freedoms (Goods, Services, Capital and Persons)

Our experience includes filing complaints with the European Commission for violation by a Member State of EU primary law or regulations/Directives or representing Member States in investigations of the Commission.

We also assist the public authorities in implementing those freedoms into national law.

Industry Focus

Although our European and Competition team covers all areas of European law and provides advice to clients in a wide range of industries, our lawyers have a particularly strong background in, and thorough knowledge of, the following sectors:

- **Postal services**
- **Press distribution**
- **Pharmaceutical sector**
- **Transport (air, fluvial, maritime and rail) and more particularly the airport sector**
- **Banking sector**
- **Steel industry**
- **Energy**
- **Water sector**
- **Insurance**

Litigation before the EU Courts

We have a distinctive and well-renowned practice before the General Court and the Court of Justice of the EU.



References & Publications

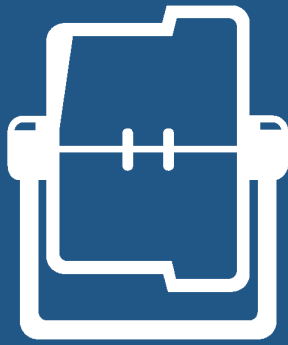
References

In the last couple of years, the team has been involved in :

- Filing complaint with the Belgian Competition Council for abuses of dominant position in the Energy and postal sector
- Filing several mergers with both the European Commission and the Belgian Competition Council in the banking sector
- Advising a press distributor in the context of an antitrust investigation led by the European Commission
- Assisting an airport handler during a dawn raid carried out by the Belgian Competition Council and representing it in the subsequent investigation on a alleged cartel.
- Assisting Belgian, French, Roumanian and Dutch airports in European proceedings related to illegal State aids
- Notifying public interventions (public loans, capital injections and guarantees) in favour of the steel industry to the European Commission
- Advising regional airports on all issues deriving from European law related to the airport sector (airport charges, handling, public financing, etc.)
- Assisting an insurance company in proceedings before the Luxembourg competition authority concerning an illegal cartel
- Assisting public authorities and negotiating with the European Commission on general aid schemes
- Assisting association of undertakings in antitrust issues
- Assisting public authorities in the implementation of the services directive
- Advising companies on the compatibility of their commercial contracts with antitrust rules and defending them before the competition authorities

Publications

- A. LEPIECE & M. NEUMANN, « La notion d'entreprise dans la sphère publique au regard de la réglementation européenne sur les aides d'Etat », *Revue de Droit communal, to be published*.
- A. LEPIECE & H. BAEYENS, "EU competition law: price fixing in the e-book market", *Journal of E-commerce Law & Policy*, January 2013.
- A. LEPIECE, « Le paquet Post-Almark II : Réforme de la réglementation européenne sur le financement des missions de services public », *Journal de Droit Européen*, September 2012, p. 205.
- M. NEUMANN, C. DUBOIS & E. GILLET, « Vers une application du régime européen SEC 95 aux pouvoirs locaux », *Revue de droit communal* 2012/4, p. 2.
- S. ENGELEN & P. SLEGGERS, « Vers une Europe de la santé », *JDE*, May 2011, p.125.
- S. CLAEYS, "De Franchiseovereenkomst: Koninginnenstuk van de distributiesector?" in *XIII Handels en Economisch recht deel I ondernemingsrecht*, *Beginnselen van Belgisch Privaat Recht*, Mechelen, Kluwer, 2011, p. 1229-1241.
- S. ENGELEN & T. HAUZEUR, « Quel avenir pour les implantations commerciales au regard de la Directive «services» et de la régionalisation? », *Aménagement Environnement*, 2011/2.
- S. ENGELEN & C.DUBOIS, « L'attribution et le contentieux des marchés publics communautaires », *JDE*, January 2010, p.1.
- S. CLAEYS, *Franchising*, Brugge, Die Keure, 2009, (668 p.)
- S. CLAEYS, "Het einde van de Franchiseovereenkomst", E. Terryn (ed.) *Beëindiging van overeenkomsten met Handelstussenpersonen, reeks Recht en onderneming*, Brugge, Die Keure, 2009, 419-480.



The Dedicated European and Competition Team



Annabelle Lepière

Partner

Annabelle Lepière obtained her law degree at the “Université Libre de Bruxelles” (ULB) in 1996 and a Postgraduate degree magna cum laude in European law at the Institut d’Etudes européennes (ULB) in 1997. She is a member of the Brussels Bar since 1997, she specialises in European Law, mainly Competition Law and State Aid. She is particularly active in the air transport sector, the banking sector, the steel industry and in all kinds of public funding (infrastructure, public service missions, etc.). She provides legal advice and undertakes notifications to the European Commission or the Belgian Competition Council and proceedings before the Court of Justice of the EC. She is a regular speaker at La Sorbonne University, ENAC, French Connect, etc.

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Stijn Claey's

Senior Associate

Stijn Claey's graduated from the “University of Leuven” (KUL) in 2002. After his law studies, Stijn was given the opportunity to prepare a Phd. in commercial law, more specifically on the franchise agreement, at the University of Leuven. Stijn presented his Phd. on 2 April 2009. The commercial version of his Phd. was published by Die Keure in 2009. He specialises in commercial law, especially in distribution agreements and is a member of the Fédération Belge de la Franchise. Since 2008, he is a lecturer of Economic and Competition law at Lessius Antwerp University College.

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Sébastien Engelen

Associate

Sébastien Engelen graduated from the “Université Catholique de Louvain” (UCL) in 2006. He subsequently specialised in European and International Law by obtaining a Postgraduate degree in European Law from the Institut d’Etudes Européennes (ULB) in 2007. He then joined CMS DeBacker in September 2007 and was admitted to the Brussels Bar in November 2007.

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Hanne Baeyens

Associate

Hanne Baeyens graduated from the “University of Gent” (UG) in 2010. Subsequently, she specialised in European law at the University of Brussels (ULB) in 2011. Hanne joined CMS DeBacker’s Public Law department in May 2012. She specializes in European Law, mainly competition law (mergers and antitrust regulation, state aid,...) and the EU freedoms (services, establishment and capital).

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CMS aims to be recognised as the best European provider of legal and tax services. Clients say that what makes CMS special is a combination of three things: strong, trusted client relationships; high quality advice; and industry specialisation.

We combine deep local expertise and the most extensive presence in Europe with cross-border consistency and coordination. CMS has a common culture and a shared heritage which make us distinctively European.

CMS operates in 28 jurisdictions, with 53 offices in Western and Central Europe and beyond. CMS was established in 1999 and today comprises ten CMS firms, employing over 2,800 lawyers. CMS is headquartered in Frankfurt, Germany.

CMS member firms are: CMS Adonnino Ascoli & Cavasola Scamoni (Italy); CMS Albiñana & Suárez de Lezo, S. L. P. (Spain); CMS Bureau Francis Lefebvre S. E. L. A. F. A. (France); CMS Cameron McKenna LLP (UK); CMS DeBacker SCRL/CVBA (Belgium); CMS Derks Star Busmann N. V. (The Netherlands); CMS von Erlach Henrici Ltd (Switzerland); CMS Hasche Sigle, Partnerschaft von Rechtsanwälten und Steuerberatern (Germany); CMS Reich-Rohrwig Hainz Rechtsanwälte GmbH (Austria) and CMS Rui Pena, Arnaut & Associados RL (Portugal).

CMS offices and associated offices: Amsterdam, Berlin, Brussels, Lisbon, London, Madrid, Paris, Rome, Vienna, Zurich, Aberdeen, Algiers, Antwerp, Beijing, Barcelona, Belgrade, Bratislava, Bristol, Bucharest, Budapest, Casablanca, Cologne, Dresden, Duesseldorf, Edinburgh, Frankfurt, Hamburg, Kyiv, Leipzig, Ljubljana, Luxembourg, Lyon, Milan, Moscow, Munich, Prague, Rio de Janeiro, Sarajevo, Seville, Shanghai, Sofia, Strasbourg, Stuttgart, Tirana, Utrecht, Warsaw and Zagreb.

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CMS DeBacker is a member of CMS, the organisation of independent European law and tax firms of choice for organisations based in, or looking to move into, Europe. CMS provides a deep local understanding of legal, tax and business issues and delivers client-focused services through a joint strategy executed locally across 28 jurisdictions with 53 offices in Western and Central Europe and beyond. CMS was established in 1999 and today comprises ten CMS firms, employing over 2,800 lawyers and is headquartered in Frankfurt, Germany.

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