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# European & Competition Law



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# Why CMS?

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Find out what makes us stand out from the rest:

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



“A key strength is their pragmatism and the way CMS 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*







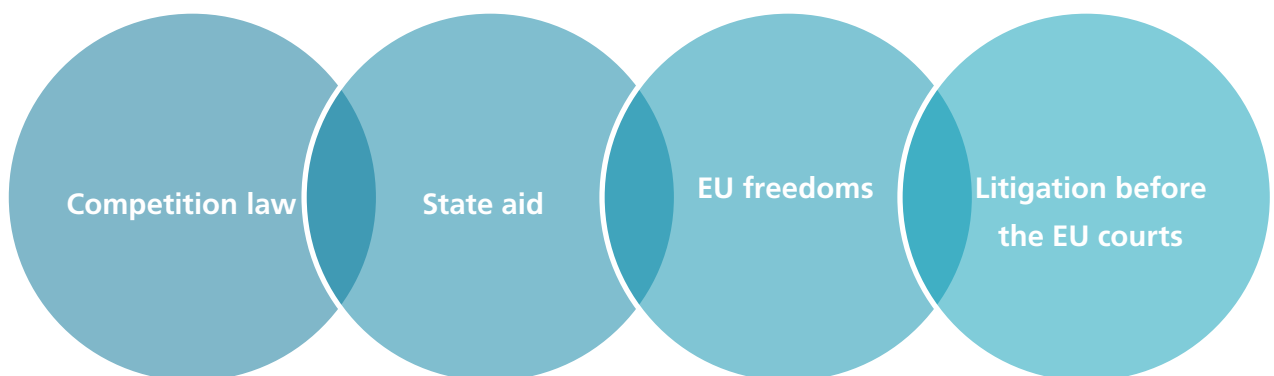
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## Our European & Competition Expertise

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Our team is led by Annabelle Lepière and Dirk Van Liedekerke. Romain Alderweireldt, Joëlle Froidmont, Alexis Laes, Hanne Baeyens, Raphaël Fleischer, Matthieu van Lierde, Kim Gillade and Marguerite Soete 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 in the following areas:**



“CMS’s Belgian competition practice is headed by Annabelle Lepière, who has been at the firm since 1997 and is now assisted by three associates. The group advises companies in cartel and abuse of dominance investigations and is also known for its state aid work. The firm is working on Belgian retailer Delhaize Group’s European damage claim against MasterCard relating to interchange fees, is assisting the defence of retailer Mestdagh in an alleged hub-and-spoke cartel and acts for the complainants against Electrabel and Bpost in competition authority investigations. It also advised Lampiris in an intervention at the College of the BNA in a case accusing Electrabel of dominance. Other clients include Link2biz and SOGEPA.”

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# A Proven Track Record

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## Competition Law

We assist our clients in all areas of domestic and European competition law.

We regularly analyse our clients' commercial contracts with regard to antitrust rules and put in place compliance programmes tailored to their evolving practice and specific business needs.

We lodge complaints or represent clients subject to investigations before the European Commission and national competition authorities regarding abuses of a dominant position or cartel infringements. We also launch proceedings before the European and national courts.

Our clients can count on the CMS European dawn raid response team. Should our clients be subject to an investigation, our structure allows for swift and all-encompassing international assistance.

We represent our clients in cartel damages claims.

Finally, we assist our clients with their M&A projects. Being a full-service firm, we can assist during the negotiations, the due diligence review, and we notify the projects to the competent domestic or European competition authorities to obtain merger control clearance.

## State Aid

We have developed recognized in-depth expertise in State aid, assisting both public authorities and beneficiaries. This expertise includes legal advice on the compatibility of public interventions with EU treaties and notifications of public interventions or aid schemes to the European Commission.

We assist public authorities and undertakings in investigations of the European Commission on alleged illegal aids and represent them before the EU courts.

## EU Freedoms

The single market of the European Union guarantees the free movement of 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 by the Commission.

We also assist the public authorities in implementing those freedoms into national law and we represent them in infringement proceedings.

## 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:

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



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# References & Publications

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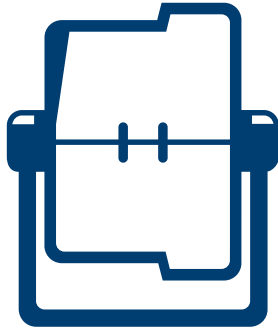
## References

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

- Representing a retailer in a settlement procedure before the Belgian Competition Authority.
- Filing a complaint with the Belgian Competition Authority against competitors for boycott.
- Filing mergers with both the European Commission and the Belgian Competition Authority in the banking sector, the press distribution sector, etc.
- 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 Authority and representing it in the subsequent investigation into an alleged cartel.
- Assisting Belgian, French, Romanian, Dutch and Spanish airports in European proceedings related to illegal State aids.
- Notifying public interventions (public loans, capital injections and guarantees) in the steel industry to the European Commission.
- Advising regional airports on all issues arising 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 associations of undertakings on 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.
- Representing Belgian authorities before the Court of Justice of the EU in infringement procedures by the European Commission.

## Recent Publications

- A. LEPIECE & K. GILLADE, "To be selective or not to be selective? That is the question for tax measures under State aid rules", *Competition Law Insight*, December 2016.
- A. LEPIECE, "La protection des consommateurs dans la réglementation européenne applicable aux SIEG", *RDIR*, 2016/04.
- A. LEPIECE, "No more safe harbor for the port sector under State aid rules", *Competition Law Insight*, April 2016.
- A. LEPIECE, "Spanish Tax Lease scheme: tax advantages open to any investor carrying out a certain type of operation", *Journal of European Competition Law & Practice*, February 2016.
- A. LEPIECE & H. BAEYENS, Co-authors of the book "101 juridische vragen over concurrentie", *Intersentia*, 2016.
- H. BAEYENS, Co-author of the 'KCE-rapport 249' "Towards a guided and phased introduction of high-risk medical devices in Belgium", 7 July 2015.
- A. LEPIECE, "Flying high – the first three French aviation aid schemes have been approved", *Competition Law Insight*, June 2015.
- A. LEPIECE & H. BAEYENS, "Les obligations de service public dans le secteur du transport aérien en droit européen", *RDIR*, 2015/02.
- A. LEPIECE, "Arrêt Aéroport de Lübeck : les redevances aéroportuaires et le critère de sélectivité en matière d'aides d'Etat", *RDIR*, 2015/02. A. LEPIECE, "The new EU Guidelines on State aids to airports and airlines", *the Journal of Airport Management*, July 2014.
- A. LEPIECE, "Access to facilities in the transport sector : an overview of EU and national case law", *e-Competitions*, July 2014.
- A. LEPIECE & S. ENGELEN, "Droit de la concurrence dans le secteur de la grande distribution : aperçu de quelques pratiques à risque", *Hommage André Lombart / Eerbetoon aan André Lombart*, *Larcier*, 2014.
- K. GILLADE & S. ENGELEN, "Topic van het jaar - Kartelverbod: stand van zaken in Belgisch recht", *TBM/RCB* 2014, nr. 3.
- A. LEPIECE & H. BAEYENS, "EU competition law: price fixing in the e-book market", *Journal of E-commerce Law & Policy*, January 2013.



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# The Dedicated European & Competition Team

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**Annabelle Lepièce**  
Partner

**E** [annabelle.lepiece@cms-db.com](mailto:annabelle.lepiece@cms-db.com)  
**T** +32 2 743 69 34

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**Dirk Van Liedekerke**  
Partner

**E** [dirk.vanliedekerke@cms-db.com](mailto:dirk.vanliedekerke@cms-db.com)  
**T** +32 2 674 85 70

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**Romain Alderweireldt**  
Senior Associate

**E** [romain.alderweireldt@cms-db.com](mailto:romain.alderweireldt@cms-db.com)  
**T** +32 2 674 85 74

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**Joëlle Froidmont**  
Senior Associate

**E** [joelle.froidmont@cms-db.com](mailto:joelle.froidmont@cms-db.com)  
**T** +32 2 674 85 75

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**Alexis Laes**  
Associate

**E** [alexis.laes@cms-db.com](mailto:alexis.laes@cms-db.com)  
**T** +32 2 674 85 77

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**Hanne Baeyens**  
Associate

**E** [hanne.baeyens@cms-db.com](mailto:hanne.baeyens@cms-db.com)  
**T** +32 2 674 85 50

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**Raphaël Fleischer**  
Associate

**E** [raphael.fleischer@cms-db.com](mailto:raphael.fleischer@cms-db.com)  
**T** +32 2 674 85 78

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**Matthieu van Lierde**  
Associate

**E** [matthieu.vanlierde@cms-db.com](mailto:matthieu.vanlierde@cms-db.com)  
**T** +32 2 674 85 51

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**Kim Gillade**  
Associate

**E** [kim.gillade@cms-db.com](mailto:kim.gillade@cms-db.com)  
**T** +32 2 743 69 76

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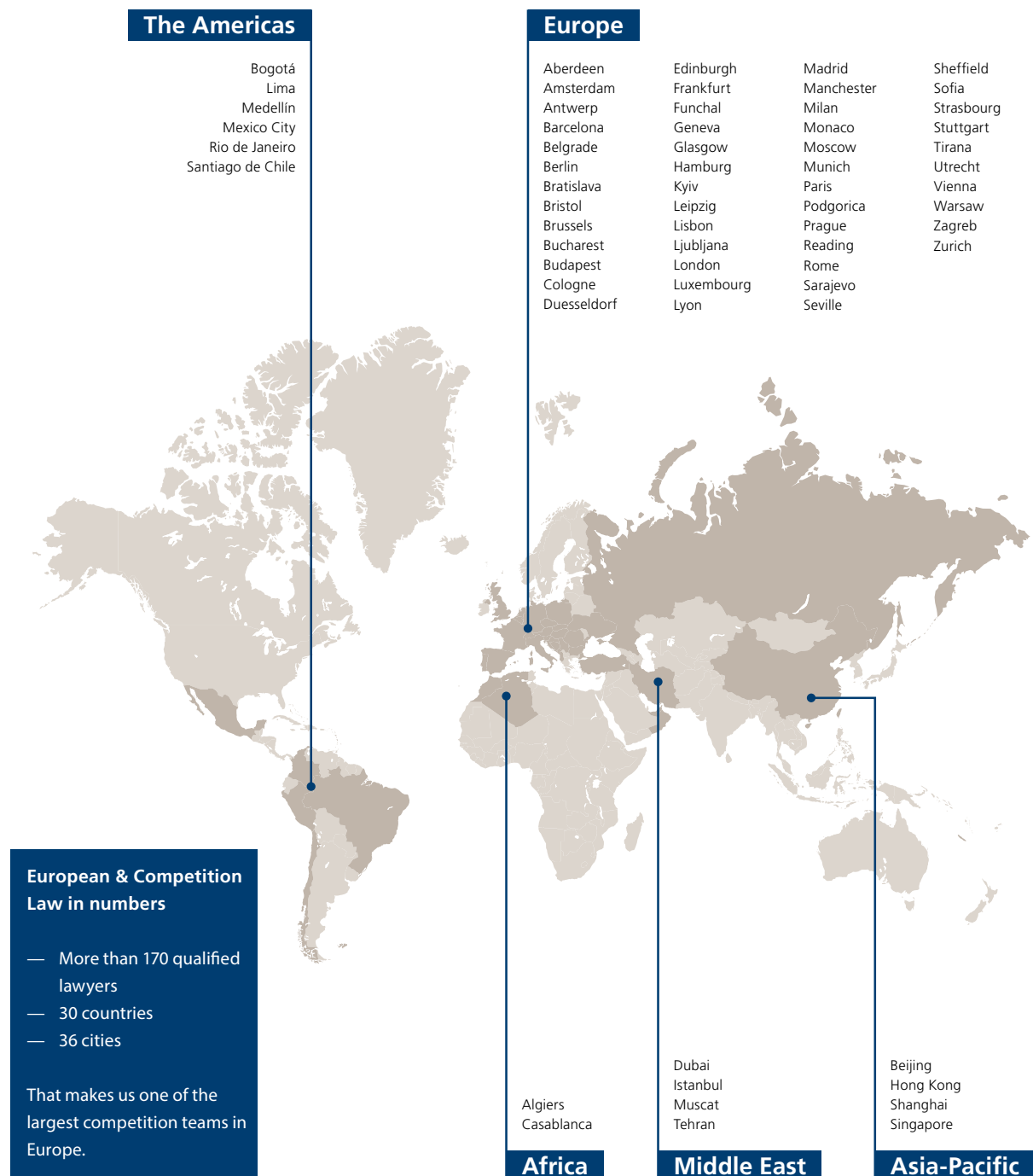


**Marguerite Soete**  
Junior Associate

**E** [marguerite.soete@cms-db.com](mailto:marguerite.soete@cms-db.com)  
**T** +32 2 674 85 51

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**CMS DeBacker scrl**, Chaussée de La Hulpe 178, 1170 Brussels, Belgium  
**T** +32 2 743 69 00 – **F** +32 2 743 69 01

**CMS DeBacker scrl**, Uitbreidingstraat 2, 2600 Antwerp, Belgium  
**T** +32 3 206 01 40 – **F** +32 3 206 01 50

**CMS DeBacker Luxembourg**, rue Goethe 3, L-1637, Luxembourg  
**T** +352 26 27 53-1 – **F** +352 26 27 53-53

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