ANTITRUST ALLIANCE

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Antitrust Alliance

Antitrust
Alliance

COMBINING EUROPEAN PRESENCE WITH LOCAL EXPERTISE

Our pan-European services make us the smart choice for clients seeking domestic advice all along Europe, and at an EU level. Our network covers the complete antitrust field; from compliance to merger control.

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- ANTITRUST AND EU SERVICES:
  - ANTITRUST COMPLIANCE TRAINING AND AUDITS
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EUROPEAN PRESENCE

ANTITRUST ALLIANCE

Over a decade ago, seventeen outstanding law firms from different jurisdictions across Europe decided to unite, and in doing so combined their diverse range of talents, resources and expertise to form a pan-European network of the highest quality: the Antitrust Alliance.

Today, our hard-earned reputation, built on a culture of excellence and an absolute commitment to our work, makes our Alliance one our clients know they can trust.

LOCAL EXPERTISE

ANTITRUST ALLIANCE

Our cross border proficiency in Europe is unbeatable; we rely on a team of independent, multilingual lawyers, each with a formidable reputation in their respective jurisdictions.

This enables us to handle our clients' antitrust needs effectively across jurisdictions, providing an efficient and flexible response.

Moreover, joint initiatives, such as international events, training sessions and cross-border practice groups continue to strengthen the close working relations that unite us as an alliance.

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Competition Law is becoming more manifold and increasingly complex. Competition issues are becoming critical to business success at a very high cost. In addition, the collaboration between national authorities, especially among the European Union, is growing in a global landscape of more and more frequent joint investigations, increasingly strict enforcement, with more punitive consequences.

We offer strategic and multi-jurisdictional advice on various antitrust matters, with the advantage of a single point of contact

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Our reputable network of economists and specialist lawyers in competition across Europe offers an indispensable amalgam of regulatory, legal and economic expertise for clients from different sectors, as shown hereafter.

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Preventing antitrust infringements is always preferable to managing them after they arise. As such it is vital to have an effective compliance program in place that explains competition risks and how to deal with them.

We understand the enormous significance of ensuring compliance with competition law not only for your finances but also for your reputation. In that context, we help clients to adopt and implement effective compliance policies.

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IMPLEMENTATION GUIDELINES AND CODES OF CONDUCT

Our team has developed guidelines and codes of conduct to help company representatives at all levels comply with competition laws.

We provide *inter alia*:

- Guidance and help for employees in their internal relationships;
- A practical view of the risks when dealing directly with competitors; and
- Basic information about risky clauses, samples of distribution and supply agreements, and tips on how to handle conversations.

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TRAINING

Our training sessions and seminars are practical, relevant to your business and easy to understand.

We keep you updated on any antitrust developments such as Implementation Guidelines which can affect your business.

COMPLIANCE AUDITING

We also offer in-depth audits, either in the event antitrust conduct is suspected or as part of a due diligence process.

Indeed, we believe that once you are aware of a possible anti-competitive behavior, you can deal with it before it attracts the attention of competition authorities.

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Competition authorities frequently carry out surprise investigations into alleged competition law infringements for which companies need an efficient and rapid response.

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As a specialized network of top-quality competition law firms, the Antitrust Alliance has **extensive experience** in assisting clients with dawn raids, ensuring a unified and efficient response across multiple jurisdictions.

ANTITRUST ALLIANCE

We work to help our client in the event of an inspection from the competition authorities by providing:

- **Guidance and compliance training to help ensure clients are prepared for the unexpected**;
- **Face-to-face training programs on handling a dawn raid** to make sure that your employees are prepared;
- **Mock dawn raids to test client procedures for dealing with a dawn raid**.

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In the event of a dawn raid, what should you be doing? What are the possibilities for a leniency application?

As part of the Antitrust Alliance, we work directly with the client to ensure their protection before, during and after the dawn raid.

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Behind the scenes we provide:

- **A 24-hour dawn-raid hotline to put you straight in touch with the right expert from the right country**.

  For instance, in the event of a raid in multiple jurisdictions, the Antitrust Alliance members put clients in immediate contact with the right lawyers across Europe to support them through the inspection.

  Our network, conformed by outstanding professionals who specialize in antitrust matters, covers all European jurisdictions; this ensures a rapid and focused response.

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- **On-site assistance in the event of a dawn raid to make sure that officials act within their statutory powers** - just because regulators ask for something does not necessarily mean they are entitled to it;

- **Challenging the legality of a dawn raid decision before relevant authorities**; and

- **Responses to information request and negotiation with the European courts / authorities.**

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Antitrust infringements, cartels in particular, cause enormous damage to businesses, including significant reputational damage and heavy financial penalties.

We have a wealth of experience in handling complex international cases before national courts and the relevant European institutions (i.e. the European Commission, the General Court and the Court of Justice).

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We have extensive experience in advising on all types of restrictive agreements falling within Article 101 of the Treaty on the Functioning of the EU and equivalent national legislation.

We offer legal assessment of our clients' commercial agreements: distribution, agency, franchise, discounts or pricing policies and advise of any changes they may need to make in order to comply with competition law.

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As a multi-jurisdictional network, we are able to provide our clients with efficient and integrated advice on cross-border cartels:

- We analyze relationships with competitors to avoid situations where the client could be considered part of a cartel;
- We advise on leniency applications from a multi-jurisdiction point of view;
- We defend our clients' interests throughout an investigation;
- We represent clients in any resulting antitrust litigation.

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Companies in a dominant market position must pay careful attention to some additional legal principles falling within Article 102 of the Treaty on the Functioning of the EU and equivalent national legislation.

The Antitrust Alliance also has incomparable expertise both defending and advising clients with leading market positions.

ANTITRUST ALLIANCE

Our strategic position in the European legal landscape puts us in an unparalleled position to design cross-border compliance strategies for companies in complex dominance related issues.

We represent both complainants and defendants in several industry sectors by:

- Advising our clients at an early stage on how to achieve their commercial goals in a legally compliant manner;
- Advising and guiding our clients on all strategic and procedural aspects of the investigation on a multi-jurisdictional basis;

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- Understanding our clients' business and providing expertly tailored economic and legal advice.

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Our European network allows us to efficiently coordinate national and multi-jurisdictional litigation strategies on behalf of our clients to pursue or defend claims for compensation caused by infringement of competition law.

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Thanks to our global resources across Europe, we have developed a market-leading practice in private damages actions.

Private actions for damages

Companies affected by anti-competitive behavior (such as cartel, price fixing or abuse of a dominant position in the market etc.) may bring the matter before the national courts and seek damages, which are often substantial.

Our team has demonstrable experience either (i) in defending the clients against these private actions for damages, or conversely (ii) for complaining parties.

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Negotiating private commercial settlements

Our team regularly advises clients on commercial agreements and out-of-court settlement negotiations to achieve their commercial goals.

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Merger control is a key factor in the success of M&A deals.

We have acted in prominent and complex merger control matters (Phase I and Phase II cases, requiring corrective measures), both a national and EU level, enabling us to provide strategic advice and recommend appropriate tactics.

As a pan-European alliance, we occupy a prime position to help our clients with their merger control strategy on a multi-jurisdictional basis.

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Through our alliance, we can combine legal, economic and political considerations to achieve a successful transaction and to help our clients to minimize antitrust risks, e.g.:

- Paying specific attention to due diligence processes, in particular checking that the target company has not been engaged in violation of competition law and setting appropriate safeguards in transaction documentation to ensure apportionment of risk (i.e. avoiding <gun jumping= risks);
- Advanced logistical planning and preparation in order to mitigate risk in all jurisdictions;

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- Drafting and coordinating multiple jurisdiction notifications to the relevant authorities (including abroad Europe);
- Securing smooth merger approval proceedings with the relevant competition authorities;
- Providing strategic advice when negotiating required remedies;
- Defending merger control authorisations.

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STATE AID

A company which receives support from national public authorities in any form whatsoever on a selective basis gains an advantage over its competitors and might be deemed to distort the market and affect trade between Member States. This is why the EU forbids State Aid unless is justified by reasons of general economic development.

The Antitrust Alliance has broad expertise advising companies during and after the process of granting public financial support and also assisting companies claiming against the grant of unlawful aid received by competing companies.

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We provide businesses a wide view of State Aid issues, from an upfront assessment and regulatory compliance to the final decisions both in administrative and judiciary proceedings.

We provide support *inter olio* on the following subjects:

- Defense against allegations of unlawful State aid.
- Representation in litigation before European and national courts.
- Filling of complaints to the European Commission.

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- Direct negotiations with the European Commission and relevant central government departments.
- Achievement of approval for novel and innovative publicly funded projects.
- Assistance in cases of tax rulings and fiscal aid.
- Assistance in cases of aid granted through public procurement.
- Assistance in recovery procedures at European and national levels.

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We also have a broad range of expertise to help secure the long-term growth of your business.

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- **Company law and corporate governance** (Corporate mobility in the EU: How can a company move or expand abroad? Hostile takeover: How can a company protect itself against a hostile takeover? Etc.)
- **Trade regulations, customs and standards in the European Union** (Free movement of goods, services, persons and capitals; EU economic sanctions and export controls; etc.)
- **Environmental law**
- **Telecommunications**
- **Public procurement**

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Antitrust Alliance

Antitrust Alliance can help companies and groups maneuver shifting antitrust and competition policies across Europe with accuracy and ease.

Always aware of the commercial needs of the companies and thanks to their broad knowledge of procedural rules and legal systems in several countries, our teams work to carry out complex, cross-border compliance strategies and to coordinate multi-jurisdictional merger filings, facilitating large global mergers.

The Antitrust Alliance has served companies operating in the following sectors:

- Aerospace & defence
- Automobiles & parts
- Banks
- Charities
- Chemicals
- Commercial & professional services
- Construction & material
- Consumer product manufacturing
- Education
- Energy
- Financial services
- Food & drink producers
- Forestry & paper
- Government
- Health care
- Industrial engineering
- Insurance
- Media
- Mining & metals
- Pharmaceutical & life sciences
- Private clients / individuals
- Real estate finance
- Real estate
- Retail
- Software & computer services
- Sports
- Technology, hardware & electronics
- Telecommunications
- Transportation
- Travel & leisure
- Utilites

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Belgium Altius
www.altius.com

Cyprus Chrysses Oemetriades & Co
www.demetriades.com

Czech Republic Pierstone
www.pierstone.com

Denmark HortenDahl
www.horten.dk

Estonia Walless
www.walless.com

Finland Waselius Attorneys
www.waselius.fi

France Grall & Associés
www.grall-legal.fr

Germany Arnecke Sibeth Dabelstein
www.asd-law.com

Hungary SBGK Attorneys at Law
www.sbgk.hu

Ireland Beale & Company Solicitors LLP
www.beale-law.com

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Italy Rucellai & Raffaelli Studio Legale
www.rucellaieraffaelli.it

Latvia Walless
www.walless.com

Lithuania Walless
www.walless.com

Netherlands Hoboken
www.hoboken.nl

Poland Wardyński & Partners
www.wardynski.com.pl

Portugal Abreu Advogados
www.abreuadvogados.com

Slovakia Nomus
www.nomus.sk

Spain Lupicinio International Law Firm
www.lupicinio.com

Sweden TIME DANOWSKY Advokatbyrå
www.timedanowsky.se

United Kingdom Beale & Company Solicitors LLP
www.beale-law.com

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