

Steptoe & Johnson LLP

China Central Place, 29th Floor,
Tower 2
79 Jianguo Road, Chaoyang
District
Beijing, 100025
Tel: +86 10 5834 1000
Fax: +86 10 5969 6099

Avenue Louise 489
3rd Floor
B-1050 Brussels
Belgium
Tel: +32 2 626 0500
Fax: +32 2 626 0510

115 South LaSalle Street
Suite 3100
Chicago, IL 60603
Tel: 312.577.1300
Fax: 312.577.1370

2121 Avenue of the Stars
Suite 2800
Los Angeles, CA 90067
Tel: 310.734.3200
Fax: 310.734.3300

633 West Fifth Street
Suite 700
Los Angeles, CA 90071
Tel: 213.439.9400
Fax: 213.439.9599

1114 Avenue of the Americas
New York, NY 10036
Tel: 212.506.3900
Fax: 212.506.3950

201 E. Washington Street
Suite 1600
Phoenix, AZ 85004
Tel: 602.257.5200
Fax: 602.257.5299

1330 Connecticut Avenue, NW
Washington, DC 20036
Tel: 202.429.3000
Fax: 202.429.3902

Steptoe & Johnson

99 Gresham Street
London, EC2V 7NG
England
Tel: +44 20 7367 8000
Fax: +44 20 7367 8001

EU Competition

Our Brussels competition law team has extensive experience in providing practical, solution-focused advice to corporate clients on both contentious and non-contentious antitrust matters affecting their business operations.

The 2007 edition of the *European Legal 500* recognised us for our “practical and quick advice,” noting that our “unique experts” have “practical business sense and good legal judgment” and are capable of providing “quick short advice on issues.”

The team advises clients on the complete range of European competition matters, with a particular focus on cartel investigations, merger control, and antitrust compliance. Other areas of our practice include handling antitrust complaints and assisting clients in sector inquiries. The business sectors in which we have developed in-depth experience include automotive, construction products, consumer goods, financial services, life sciences and pharmaceuticals, telecommunications, e-commerce and transport.

Our transatlantic practice with colleagues in Steptoe’s US offices, particularly Washington, enables us to provide an integrated approach in the growing number of international antitrust investigations conducted in parallel by authorities in Europe, the United States and other jurisdictions. Our extensive network of hand-picked partner law firms allows us to handle competition law matters in all major European jurisdictions.

Cartels & Monopolies

In Europe, our lawyers represent clients in some of the most complex cartel investigations before the European Commission and before national competition authorities, including The Netherlands, United Kingdom, Germany and France. We assist clients through vigorous strategic representation before the antitrust agencies so as to limit our clients’ exposure to fines and subsequent civil prosecution in Europe and the United States. In this capacity, our team has developed a substantial immunity and leniency practice before the European Commission. Examples of recent representations include:

- Acting for an Asian airline in the Commission’s investigation into price-fixing in the air cargo sector;
- Acting on behalf of a European glass maker in the Commission’s cartel investigations in the flat glass and car-glass industries; and
- Assisting a European-based chemical company in the Commission’s cartel investigation on the European hydrogen peroxide market.

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We also advise undertakings, whether challenging or in defence, on rules regarding abuse of a dominant position. For instance, we are currently representing an industrial crane manufacturer in the Commission's abuse of dominance proceedings against a leading aluminum supplier. Our lawyers have also recently advised airport operators in devising rebate and incentive schemes for airlines on fair and non-discriminatory terms.

Mergers

We regularly assist clients in obtaining clearance for proposed mergers, acquisitions and other forms of concentration of undertakings, from the European Commission or national competition authorities. Recent representations include:

- Securing Phase I clearance, with remedies, in relation to the combination of two leading premix mortar suppliers in Europe;
- Advising a private equity fund in relation to the EC merger control aspects of its proposed acquisition and combination of two carton packaging manufacturers;
- Obtaining merger clearance on the acquisition by a private equity fund of a leading truck rental operator in Europe;
- Advising on the vertical integration of a leading wind turbine gearbox manufacturer with the fifth largest global wind power supplier; and
- Securing Phase I clearance on behalf of a leading construction materials manufacturer and distributor on the EC merger control aspects of its acquisition of the largest European plasterboard supplier.

Our clients regularly call upon us to provide jurisdictional analyses, merger feasibility studies and strategic advice on potential mergers and acquisitions, including identifying possible remedies to alleviate competition concerns.

Our team also has represented third parties in complex merger investigations, for example, in the media buying and navigation systems sectors.

Complaints & Sector Inquiries

Clients rely on our experience in submitting complaints to the European Commission regarding the unlawful anti-competitive behaviour of other economic operators. Our recent work in this area includes:

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- Acting for an electrical equipment manufacturer in a complaint to the European Commission regarding the discriminatory exclusive dealing arrangements of the relevant national trade association and in related private damages actions in national courts;
- Preparing the complaint of a mobile handset manufacturer to the European Commission regarding an infringement of Articles 81 and 82 EC by the licensors of certain patents essential for technology standards; and
- Preparing the complaints of India's largest telecoms operator to the European Commission and national competition authorities regarding an infringement of Articles 81 and 82 EC by one of its competitors.

Our team has provided policy advice and assisted leading insurance and banking institutions across Europe in liaising with Commission officials and responding to information requests in the context of the Commission's recent sectoral inquiries in the financial services sector (retail banking and business insurance).

Antitrust Compliance

We regularly assist clients in ensuring that their agreements and other business dealings do not infringe competition law. Some examples of our compliance advice include:

- Advising on the competition issues arising from patent settlement agreements in the agro-seeds and GMO sectors;
- Advising on the limits of permissible information exchange between competitors at meetings of European trade associations;
- Advising European car makers in relation to distribution agreements with importers and dealers in several European jurisdictions;
- Advising luxury goods manufacturers on the competition aspects of e-commerce;
- Analysing the competition implications of horizontal co-operation in a joint purchasing agreement by airline carriers to purchase computerised travel distribution services; and
- Advising biocidal product companies on competition law issues arising from data sharing in substance notification Task Force agreements.

We also conduct compliance seminars that help our clients reduce the risk of government investigations and private litigation. We provide guidance and

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in-house training, for example, on how to handle on-site inspections (or “dawn raids”) by the European Commission and national competition authorities. Furthermore, we provide web-based training for individual clients on competition-related topics.

Competition Litigation

Our team represents clients in competition law actions before the European Courts. We bring similar legal, procedural and tactical experience to bear in private damages actions before the national courts. Our recent experience in this area includes:

- Intervening before the European Court of First Instance in the Microsoft case on behalf of a software trade association, and in support of the European Commission. The case related to an appeal brought by Microsoft against the Commission’s decision that Microsoft had abused its dominant position by tying and refusing to supply interoperability information; and
- Advising an electrical equipment manufacturer on its private damages actions before national courts relating to a European Commission decision regarding the discriminatory exclusive dealing arrangements of the relevant national trade association.