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EU Competition

Our dedicated EU competition law team provides strategic, practical, and solutions-focused advice to clients on both contentious and non-contentious antitrust matters affecting their business operations. We also advise governments, trade associations, and corporations on competition and State aid matters.

The team has extensive experience with the complete range of issues arising under European competition laws, including:

- Cartel investigations and dawn raids
- Abuse of dominance
- Merger control
- Antitrust compliance
- State aid

Current and past matters have given us particularly in-depth understanding of automotive, construction products, consumer goods, e-commerce, electronics, financial services, life sciences and pharmaceuticals, petrochemicals, technology, telecommunications, and transport business sectors.

Steptoe's attorneys in Brussels and Washington form an integrated, transatlantic team. This team provides a seamless and unified strategic approach in the growing number of international antitrust investigations conducted in parallel by authorities in Europe, the United States, and other jurisdictions. The team includes a former official of DG Competition, as well as experience appearing before the General Court and the European Court of Justice.

Cartel Investigations and Dawn Raids

In Europe, our lawyers represent clients in some of the most complex cartel investigations before the European Commission, national competition authorities, and the European courts. We vigorously represent our clients before the antitrust agencies to limit their liability, fines, and subsequent civil prosecution in Europe.

We currently represent several multinationals in ongoing European and worldwide cartel investigations. Some of these involve parallel investigations in the United States and include US colleagues. We also provide guidance and in-house training on how to handle on-site inspections (or "dawn raids") by the European Commission and national competition authorities.

Current and recent EU cartel matters handled by members of our team include:

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- Representing Japan Airlines in the EC probe into international passenger services between Europe and Japan;
- Defense of United Air Lines and of Japan Airlines in the recent Airfreight case;
- Securing favorable outcomes in the Acrylics and Heat Stabilizers cases;
- Representing a freight forwarder in the Freight Forwarding case;
- Representing Cargolux in its appeal to the European General Court in the Airfreight case;
- Representing Trelleborg in its appeal to the General Court in the Marine Hose case; and
- Acting on behalf of a European glass maker in the Commission's cartel investigations in the flat glass and auto glass industries.

Abuse of Dominance

We also advise companies, whether challenging or in defense, about the rules regarding abuse of a dominant position. Current and recent matters include:

- Advising a supplier of mobile handset equipment on potential abuses in the IT sector; and
- Representing a French engineering group in the Commission's abuse of dominance proceedings against Rio Tinto Alcan.

Mergers

We regularly help clients obtain clearance of proposed mergers, acquisitions, and other business concentrations from the European Commission or national competition authorities. Recent representations include:

- Advising Japan Airlines in relation to the creation of a joint venture with BA on Europe/Japan destinations;
- Securing Phase I clearance, with remedies, for the combination of two leading premix mortar suppliers in Europe;
- Obtaining Phase I clearance of concentrations relating to the design, development, and production of armored fighting vehicles and military land systems;
- Advising a private equity fund about its proposed acquisition and combination of two carton packaging manufacturers;

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- 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 EU merger control aspects of its acquisition of the largest European plasterboard supplier.

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

Antitrust Compliance

We frequently advise clients on structuring their contracts and other business relationships to avoid infringing competition law. Some recent examples of such compliance advice include:

- Advising on the competition issues arising from patent settlement agreements in the agro-seeds and GMO sectors;
- Advising on the compatibility of CPU design and licensing business models with EU competition law;
- Advising on the limits of permissible information exchange between competitors at meetings of European trade associations; and
- Advising luxury goods manufacturers on the competition aspects of e-commerce.

We also conduct compliance seminars that help our clients reduce the risk of government investigations and private litigation. We provide guidance, in-house and web-based training for individual clients on competition-related topics. Together with our US colleagues, we also advise on designing and implementing worldwide corporate competition and antitrust compliance programs.

Competition Litigation

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

- Representing Cargolux in its appeal to the European General Court in the Airfreight case; and

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- Representing Trelleborg in its appeal to the General Court in the Marine Hose case.

State Aid

Our lawyers have extensive and unique State aid expertise, providing governments and private parties with a full range of related legal services. We regularly advise governments on the preparation of State aid notifications, represent them in formal investigations, and help them to assess national schemes under the State aid rules. We also advise companies about structuring aid programs to comply with legal requirements and represent them, as third parties, in formal investigations. Our work also includes advising competitors of aid recipients, preparing complaints to EU or EFTA authorities, and representing them in formal investigations. Recent representations by our lawyers include:

- Assisting a government with its State aid notification in the telecommunications sector;
- Assisting a government in two formal investigations concerning taxation in the financial service sector;
- Advising a government on State aid implications of its tax regime; and
- Representing a company in a formal investigation of the insurance sector.

Our work in this area includes representing governments and companies in contested court proceedings. Our lawyers have pleaded a large number of State aid cases before the EU and EFTA Courts in Luxembourg.

Noteworthy

- Ranked, *Legal 500 Europe, Middle East & Africa Competition 2011 and 2012* (Belgium)