

# Competition law credentials

**Our specialists have over 20 years of experience advising on all aspects of EU and UK competition law, including anti-competitive agreements, merger control, abuse of dominance, state aid, competition litigation, market investigations as well as audit and compliance.**

## Commercial agreements and competition law

We have extensive experience working on a wide range of commercial agreements and assessing the competition law implications and how to adapt and amend these agreements to adapt to the competition law framework.

### Recent examples include:

- Advising on EU-wide distribution agreements including the conditions for sales from physical stores and on-line stores and whether these could be differentiated
- Advising on selective distribution and the conditions for imposing selective distribution arrangements in key EU countries
- Advising on non-compete clauses in vertical distribution agreements, their duration and scope
- Advising on pricing between wholesalers and retail pricing, including on whether measures constituted resale price maintenance (RPM)
- Acting on range of information share arrangements for trade associations including in face of allegations by competitors of collusion
- Advising on cooperation mechanisms in the deployment of ultra-high speed broadband including risks of collusion, models for legal information share and strategy under UK and EU law.

## Dominance and Unilateral Conduct

We have extensive experience advising on abuse of dominance cases in a variety of sectors, particularly in the TMT sector. We have acted on behalf of both sides in such cases: for companies with leading market positions and on behalf of complainants impacted by anti-competitive behaviour.

### Recent examples include:

- Advising in relation to a European Commission investigation into abuse of dominance involving a margin squeeze
- Advising a company with a leading market position on the launch of multi-play bundles of services including the economic and technical replicability assessment of the service and support for costing analysis
- Advising on investigations by a national competition authority including responding to information requests and case meetings on allegations of abuse of dominance based on alleged anti-competitive discount schemes
- Assisting a third party complainant on proceedings in the Court of Justice on alleged abuse of dominance into refusal to supply



## Competition litigation

We have experience of working with clients in complex antitrust litigation in front of various courts.

We have worked with clients involved in appeals against the European Commission to the European Courts and on appeals against decisions by UK competition authorities to the Competition Appeals Tribunal and on appeals in other jurisdictions, working with expert local counsel.

We have worked on follow-on damages cases and on remedies and commitments in settlement of dispute.

We can even help you find funding solutions drawing on our experience of deploying the first ever UK funded litigation portfolio for a FTSE 20 player.

### Recent examples include:

- Securing competition follow-on damages outcome for a UK client before the Paris Commercial Court under French and EU competition law, working with French expert counsel.
- Negotiating successful commitments in EU Commission investigation into abuse of dominance in the energy sector
- Advising on remedies including separation principles in structurally separate organisations in the UK, New Zealand, Singapore and Australia and the Middle East

## Mergers and market investigations

Competition law is key in the context of merger and acquisitions and in market investigations. We provide advice in relation to mergers, acquisitions and joint ventures across all sectors, and particularly in the technology sectors. We act for both merger parties and for third parties wishing to complain against a merger. We also advise on filings related to merger including national security and other regulatory filings. We advise in relation to UK and EU law, and work with expert local counsel on filings in other jurisdictions.

We have also worked on sector inquiries and market investigations in technology sectors.

### Recent examples include:

- Advising on merger processes, including multi-national filings and security issues including the UK and US and the new UK rules on sensitive sectors
- Strategic advice on numerous major consolidations in the global telecoms sector
- Supporting third parties in merger following a request for information from the CMA
- Responding to questionnaires and market studies in sectoral investigations by UK competition authority

**To discuss how we can help you, please contact:**



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