



Competition, EU and Trade

Taylor Wessing LLP's Competition, EU and Trade Group provides commercial and creative solutions to the issues resulting from the ever-closer and more complex regulation of businesses by EU and national authorities

Taylor Wessing's Competition, Regulation and Trade Group comprises 18 lawyers, 10 of whom are partners. The group advises on the complete range of competition (anti-trust) issues, together with other instances of European and national regulation of business. Our practice particularly focuses on technology-rich industry sectors such as communications, IT, high-tech manufacturing and life sciences, where we have been involved in some of the most significant cases of recent years. We understand the industries in which our clients operate.

In addition to advising on commercial arrangements and transactions, the group also provides high-level advice on using the competition rules strategically and on defending against investigations by the competition authorities.

Members of the group are recommended for their competition expertise in leading independent guides. They are also at the forefront of expert debate in these areas, have some of the leading texts and articles, and regularly comment for the press, radio and television.

Our services

EU and national merger control

- We advise, from the earliest stage of a proposal, on structuring a deal, identifying the competition issues and obtaining clearance as quickly and painlessly as possible. We also help companies adversely affected by competitors' mergers to present their objections to the proposals in the most effective manner.
- We advised Compagnie de Saint Gobain on the acquisition of Maxit Group, a subsidiary of Heidelberg Cement, regarding anti-trust due diligence and merger control (EU and more than 20 national jurisdictions).
- We advised a large German bank on merger control issues in a debt-to-equity swap.
- We advised a Japanese company on EU merger control and obtaining national merger clearances in 22 jurisdictions world-wide.

Competition (anti-trust) investigations and complaints

We guide businesses through investigations by competition and regulatory authorities. We also advise on whistle-blowing and applications for leniency from fines.

- We advised a number of UK undertakings on major investigations by the Office of Fair Trading, including applications for leniency.
- We acted for Floe Telecom in its long-running litigation against Ofcom under the Competition Act 1998, involving allegations of abuse of dominance.
- We advised a complainant in the Volbroker notification of a B2B exchange for online foreign currency trading. Our representations resulted in the adoption by the Commission of what are now its standard guidelines for B2B exchanges.

Competition compliance

Prevention is better than cure: we have extensive experience of preparing robust but realistic compliance programmes.

- We advised a trade association on a compliance programme, focusing on exchanges of information between members.
- We advised a major pharmaceutical manufacturer on compliance in the context of its distribution and pricing practices.

Litigation

We regularly assist clients in making and defending claims for damages and other remedies for breach of the competition rules, as well as on challenging the decisions of EU and national authorities.

- We advise on the parallel import of pharmaceuticals, including on a number of landmark cases where we appeared before the European Court of First Instance and the European Court of Justice.
- We advised the blood donation division of the German Red Cross in litigation before the German courts concerning an alleged abuse of a dominant position.
- We advised the National Farmers' Union in an action against the French government for failing to lift the ban on British beef, initially before the French courts and then before the European Court of Justice.

Competition rules and commercial agreements

With notification to the European Commission for clearance and/or exemption being phased out, the onus will in future be on businesses and their advisers to form

their own views of the risks and to come up with compliant solutions that do not lose sight of the commercial objective. We help our clients to minimise risk and to enforce their rights under commercial agreements.

- We advised a number of interested parties on the central marketing of sports broadcasting rights in the context of proceedings before the European Commission.
- We advised a leading UK manufacturer of vacuum cleaners on the establishment of a selective distribution system.
- We advised a major car supplier on the implications of the new motor vehicle block exemption, and revised all relevant documentation.

State aid

We advise on obtaining approval of aid, as well as on complaining about unlawful aid granted to competitors.

- We advised on state aid and merger issues raised by a major petrochemicals infrastructure project.
- We advised a company in a knowledge-based industry on the potential state aid implications of an innovative bond issue to be indirectly guaranteed by a European government.
- We made a complaint to the Commission about state aid to an airline.

Regulation

Through our specialist Regulatory Affairs team, we provide our clients with timely, well-informed and practical strategic advice on the implications of existing and new EU and national legislation, and represent them before the relevant institutions.

- We assisted a multi-national company whose products did not comply with the requirements of relevant EU legislation.
- We advised on the impact of the Waste Electrical and Electronic Equipment Directive in the consumer electronics sector.
- We reviewed the legal and commercial changes required when the EU Directives on the sale of consumer goods and their associated guarantees and unfair commercial practices were implemented.

Rules on public and utilities contracts

Public sector bodies and utilities are subject to detailed advertising and award requirements for larger contracts. The advice of our specialist Public Procurement team ensures the maximum flexibility within the scope of these requirements and the commercial dynamics of the project.

- We advised a client on the procurement issues arising from the construction of a power generation station.
- We advised on the procurement aspects of an important infrastructure project in the transport sector, including road and rail interests and the award of interrelated contracts.

Customs, Trade and WTO

Our advice can often reduce duty and VAT on imports as well as mitigating challenges by customs authorities.

Attention to detail and a thorough assessment of market conditions in anti-dumping investigations, as in many other areas of our practice, offer a solid foundation upon which to defend proceedings in the EU and elsewhere.

We also advise on the WTO agreements which underpin much of the trade legislation and the new opportunities they offer for dispute settlement.

- We advised on the changes required to the PRC's trade, safeguard and origin legislation upon joining the WTO.
- We advised various US companies on the EU's imposition of quotas on products from the PRC. We subsequently analysed options open to those companies to relocate production in the light of origin and GSP considerations.
- We advised a major PC manufacturer in anti-subsidy proceedings by the European Commission against a manufacturer of computer memory chips.

Competition EU and Trade



Martin Baker

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Martin advises organisations in a broad spectrum of industries on a range of competition, public procurement, trade and other EU and UK regulatory matters. The structuring of mergers, strategic alliances and joint ventures in order to maximise commercial benefit is a key element of Martin's practice. He is an acknowledged expert in competition law and trade law.



Michael Dietrich

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Michael advises on all aspects of German and European competition law, particularly merger control, antitrust investigations, abuse of dominance and contractual competition restraints. He has represented prominent clients in these areas at the German Bundeskartellamt and the EU-Commission as well as in national and European Courts. His practice focuses on media, technology, financial services/private equity, building materials, chemicals, and leisure and consumer products.



Andreas Haak

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Andreas is a former legal adviser to the European Parliament, and in particular was responsible for drafting legislation in the field of corporate law. He advises on the impact of EU law on businesses, particularly in the field of public procurement, and is co-editor of a law journal and author of a book on German civil law.



Marco Hartmann-Rüppel

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Marco advises on competition and EU law, in particular in IP-related matters. He advises in the fields of technology transfer, R&D and licensing as well as in litigation before the ECJ and national courts. He also advises on merger control, cooperation and distribution agreements, state aid and free movement of goods and services.



Klaus-Heiner Lehne

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Klaus-Heiner specialises in advising on the impact of EU legislation on businesses. He is a member of the European Parliament and is a lecturer at the Universities of Düsseldorf and Cologne.



Marc Picat

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Marc advises on competition and commercial law and heads up the Brussels office. Marc has wide experience in advising branded companies in their distribution structures. He also advises companies on EU and Belgian merger control issues arising out of M&A and joint venture transactions.



Wolfgang Rehmann

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Wolfgang specialises in the protection of industrial property rights, with a special emphasis on the representation of technology companies, including leading pharmaceutical and medical devices manufacturers. He is one of Germany's acknowledged experts in pharmaceutical law, and is the author of a commentary on pharmaceutical law, now in its second edition.



Robert Vidal

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Robert advises on EU and UK competition law. He has significant behavioural experience, in particular cartel investigations, representing clients before the Competition Appeal Tribunal and submitting complaints to both the OFT and the European Commission. Robert also has extensive experience of M&A work and has submitted a wide variety of merger notifications. Robert regularly advises companies on general competition law compliance and on commercial contracts over a diverse range of sectors.

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A legal force for Europe

Based in the UK, France, Germany, Brussels and Dubai, as well as representative offices in Alicante, Beijing and Shanghai - Taylor Wessing LLP provides the full range of legal services to major corporations, financial and public institutions, growing enterprises and wealthy private clients.

Taylor Wessing has an enviable track record in serving knowledge-based and technology-orientated businesses. A market leader in intellectual property, the firm also has a strong market presence in corporate, finance and real estate.

Our services

- Corporate - M&A, IPOs, private equity, tax, commercial law, inward investment, Funds
- Intellectual property - Patents, Copyright, Trade marks, confidential information
- Finance & projects - Banking, Structured finance, Major projects
- Dispute resolution - Litigation, Arbitration, Mediation
- Reconstruction and corporate recovery - restructuring, work-outs, formal insolvency
- Real estate - Investment, Development, Finance, Planning and environment
- Employment & pensions - Employee benefits, Human resources, Pensions, Pensions litigation
- Competition - EU law and anti-trust

- Regulatory - Public law, Financial services
- Private client - International asset protection, Tax and succession planning

Specialist services

Competition

- Articles 81 and 82
French, German and UK competition law
- EU, French, German and UK merger clearance
- Joint ventures and strategic alliances
- Co-ordination of multi-jurisdictional merger filings
- Technology exploitation
- Distribution and commercial agents
- Pricing practices
- Compliance programmes
- Complaints
- Investigations and "dawn raids"
- Whistleblowing and leniency programmes
- Individual liability

Regulation

- Technology, media and telecoms
- Energy and environment
- Road, rail, air and maritime transport
- Life sciences and chemicals

Public procurement

- Public sector procurement
- Utilities procurement
- Public-private partnerships and PFI

EU legislation

- Internet and e-commerce

- Free movement
- CE marking
- Export controls
- WEEE/RoHS

Trade

- Anti-dumping and anti-subsidy procedures
- Customs law
- Generalised System of Preferences
- Origin of goods
- WTO

Further information

If you would like to know more about the range of services offered by the Competition, EU and Trade Group of Taylor Wessing we invite you to contact one of the partners named in this brochure or any of the partners with whom you usually deal.

For more information on the work of our Regulatory Affairs team, please contact Andreas Haak.

For more information on our Public Procurement team, please contact one of the partners named in this brochure, or:

Dieter Lang - Frankfurt
Mario Mathias Ohle - Berlin
Walter Pothast - Düsseldorf
Klaus Willenbruch - Hamburg



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