



Antitrust and Competition

Understanding global antitrust and competition rules is a necessary and prudent part of any successful business strategy in today's global economy. These laws are complex, but they govern a broad range of business conduct: interaction with competitors; obtaining and maintaining a dominant market position; forming supplier and customer arrangements; participation in trade associations; conduct in joint ventures and corporate mergers and acquisitions. Indeed, these laws have the potential to impact virtually every aspect of a company's business plan and activities in the marketplace.

Whether your company is large or small, if it is considering forming a business alliance, moving into a new market, taking a new tack with its competitors, implementing a new production, marketing or distribution strategy, or growing through corporate development, advice concerning the requirements of antitrust and competition laws is essential. The risks and consequences of non-compliance can be severe.

CAPABILITES

Investigations

Our investigations experience is market leading and diverse. Our lawyers have represented companies in a full range of competition investigations and enforcement actions conducted by, for example, the US DOJ, US FTC, the European Commission, the UK Office of Fair Trading, UK Competition Commission, the Australian ACCC, the French Autorité de la Concurrence, the German Bundeskartellamt, the Austrian Kartellgericht, the Dutch ACM, the Spanish Competition Authority, and the Korean FTC.

Counselling

We counsel our clients on national and international competition and antitrust laws, unfair trade practices, prospective acquisitions, price discrimination issues, abuse of dominance and intellectual property issues.

Mergers and Acquisitions

KEY CONTACTS

Nathan Bush

Partner
Singapore
T: +65 6512 6065

Lesli C. Esposito

Partner
Philadelphia
T: +1 215 656 2432

Léon Korsten

Partner
Amsterdam
T: +31 (0)20 5419 873

Lisa Tenorio-Kutzkey

Partner
San Francisco
T: +1 415 836 2525

RELATED SERVICES

- Mergers and Acquisitions
- Merger Control
- Intellectual Property and Technology

RELATED SECTORS

- Financial Services

We have a strong multi-jurisdictional merger practice that can seamlessly coordinate filings in jurisdictions worldwide.

We are able to help clients analyse any potential competition issues, coordinate multijurisdictional merger clearances, represent clients before regulatory agencies, analyse and negotiate potential remedies, deal with in-depth investigations and advise on merger litigation.

Compliance Audits and Programs

Our experience is diverse and includes representing companies in a full range of competition matters. This diversity in expertise allows us to provide advice to our clients on all areas of competition compliance including auditing existing policies and procedures and enables us to provide clients with commercial and practical solutions. This includes with regards to the implementation of a compliance programme, the provision of training including on raids, or any changes to existing policies and procedures.

Cartel Enforcement Defence

Criminal cartel enforcement is a top priority of competition Regulatory Authorities and cartel investigations, in particular those with international aspects, are on the rise.

Our team acts regularly for multinational clients and provides a globally coordinated approach in representing client before the regulators and in negotiating resolutions. The team has much experience in assisting client with leniency and amnesty applications and where necessary defends clients through litigation.

Civil Litigation / Class Actions

Private litigation is fast becoming as important as public regulation as a means of enforcing competition law.

We have considerable experience in advising claimants and defendants in competition based litigation in a number of jurisdictions, and representing clients appealing regulator decisions to the European and domestic Courts.

Criminal Antitrust Defence

Our team provides criminal defence to clients including in response to raids, managing disclosure, leniency negotiations with Regulators, defence of Criminal Litigation and in relation to Trials and Appeals.

State Aid

We have a strong track record in State aid work, acting for funding bodies, recipients of aid and those who feel that their interests have been damaged by unlawful aid awarded to their competitors.

EXPERIENCE

- Acting for two pharmaceutical companies in separate 'pay for delay' pharmaceutical patent settlements in Europe.
- Represented Church & Dwight in the Church & Dwight v. Mayer Labs antitrust case and related FTC investigation. In granting our summary judgment motion, the California federal judge held that a C&D shelf share discount incentive rebate program involving Trojan condoms did not constitute anti-competitive monopoly behaviour. This is a significant win for the client, who has been engaged in hotly contested litigation for more than four years with competitor Mayer Laboratories. We also convinced the FTC to drop its three year investigation without a consent decree or any conditions and the FTC agreed to destroy all documents.
- Advised Etihad Airways in relation to their equity investment in Air Berlin which required both merger control and regulatory advice, as well as competition law advice in relation to commercial co-operation agreements between the two airlines.

- Energy and Natural Resources
- Hospitality and Leisure
- Insurance
- Life Sciences
- Media, Sport and Entertainment
- Industrials
- Technology

- Advised two of the largest companies in provision of secure electronic payment technologies a complex acquisition. This involved creating cooperation between a number of competition authorities.
- Building a global compliance function with particular emphasis on antitrust, anti-corruption, antimoney laundering, international trade regulation/OFAC, government relations, and privacy/data security for an international insurance and financial services company.
- Representing a global airline in the General Court against the European Commission's air cargo cartel decision, with simultaneous damages litigation in the UK and the Netherlands.
- Advising one of the world's largest freight forwarders in the context of a European Commission cartel investigation and a subsequent appeal to the General Courts. The team successfully secured a significant fine reduction for the client which was being investigated by anti-trust authorities, notably the European Commission and US Department of Justice, following global dawn raids across the industry in 2007.
- Acting for a global airline in complex class action cases currently pending in the US including in the Southern District of New York, Eastern District of New York and the Northern District of California District Courts. The Plaintiffs allege billions of US dollars in damages.
- Advising a Japanese manufacturer of electronic equipment, in multi-district class action antitrust litigation alleging violations of the Sherman Act and state laws in the optical disk drive industry.
- Acting for Pool Corporation and its subsidiaries in a multi-district litigation alleging violations of the antitrust laws in regard to the distribution of swimming pool products and supplies. The case is pending in the United States District Court for the Eastern District of Louisiana and is in the discovery stage.

INSIGHTS

Publications

Chile's electric sector under the regulatory magnifying glass

14 August 2019

Implications of recent activity by Chile's Competition Monitoring Unit, an arm of the Electric Coordinator.

Recommendations of the Federal Antimonopoly Service of Russia on the Use of Information Technology including those associated with the Use of Pricing Algorithms

29 MAY 2019

On 18 March 2019, the Federal Antimonopoly Service of Russia officially published recommendations on its website On Practices in the sphere of Using Information Technology including those associated with the Use of Pricing Algorithms. The Recommendations deal with issues concerning the use of new technologies (including pricing algorithms).

Antitrust Matters - May 2019

13 MAY 2019

ANTITRUST MATTERS SERIES

We are pleased to share with you a New Edition of our periodical global publication Antitrust Matters.

Top franchise developments of 2018

11 APR 2019

DLA Piper IPT attorneys Barry Heller, John Hughes and Karen Marchiano recently conducted a webinar reviewing 2018's top franchise developments. Two stand out from the rest.

CJEU rules on economic succession in the Finnish asphalt cartel case

29 MAR 2019

The European Court of Justice (CJEU) has ruled that corporate parents that acquired the shares of a cartel company may be held liable for damages caused by past infringements.

Top of Mind: Litigation

20 MAR 2019

In this issue, our coverage of 10 big topics businesses have been thinking about this quarter.

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11 Mar 2019

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11 Mar 2019

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11 Mar 2019

Cautionary notes on gun-jumping in M&A negotiations

26 FEB 2019

CANADA IN FOCUS

When business competitors negotiate a potential merger or acquisition, they need to bear in mind the *Competition Act* (Canada). These rules are often overlooked.

FTC announces annual revisions to HSR Act thresholds

19 FEB 2019

Reportable threshold, when Size-of-Persons Test applies, filing fee tiers.

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05 Feb 2019

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05 Feb 2019

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05 Feb 2019

Global Merger Control Handbook

28 JAN 2019

With an increasing number of cross-border transactions taking place in today's fast-changing global environment, an understanding of, and compliance with, national and regional legislation and requirements are of vital importance.

5 antitrust trends to watch in 2019

14 JAN 2019

2018 was a memorable year for antitrust law and all signs point to 2019 being equally memorable.

The era of more effective EU competition enforcement has begun

17 DEC 2018

On 4 December 2018, the Council of the European Union adopted a Proposal for a new Directive designed to empower the competition authorities of the Member States (NCAs) to be more effective enforcers and to ensure the proper functioning of the internal market (ECN+).

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06 Dec 2018

Global Anticorruption Newsletter

5 DEC 2018

DLA Piper's *Global Anticorruption Newsletter* offers practical guidance on complying with international bribery laws.

FTC finds keyword search advertising agreements anticompetitive

19 NOV 2018

A decision that could have far-reaching implications for retailers and manufacturers engaged in direct online sales.

2017/18 Life sciences Australian chapter - Distributing and marketing of drugs, product regulation, product liability and competition

8 AUG 2018

DLA Piper Life Sciences sector authored Thomson Reuters Practical Law Company's 2017/2018 multi-jurisdictional guide for Life Sciences in areas of distributing and marketing of drugs, product regulation, product liability and competition

Antitrust Matters - July 2018

24 JUL 2018

ANTITRUST MATTERS SERIES

We are pleased to share with you a New Edition of our periodical global publication Antitrust Matters.

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06 Jun 2018

Increasing Level of EU Fines For Procedural Infringements in Mergers?

25 APR 2018

The fines imposed by the European Commission (the Commission) for substantive breaches of competition law have been steadily increasing in recent years, culminating in the high fines imposed on Intel (€1.06bn), Google (€2.42bn) and the participants in the trucks cartel (totalling €3.8bn). However, the Commission is also increasingly enforcing procedural competition law rules, particularly in the context of the European Merger Regulation (the EUMR), imposing fines for breaches, the most recent example being the €124.5m fine on Altice for implementing its acquisition of PT Portugal before receiving merger clearance.

Success story

30 MAR 2018

Galyna Zagorodniuk, Partner and Head of Antitrust and Competition DLA Piper in Ukraine, has commented the results of the II Legal Pharma & Medicine Forum. The article has been recently published in the Yuridicheskaya Praktika Weekly and is reproduced with permission.

The French Competition Authority has published its long awaited sector-specific investigation into online advertising

6 MAR 2018

Almost two years after announcing the opening of a vast sector-specific investigation on its own initiative, the French Competition Authority (FCA) has just made public its long awaited opinion regarding the online advertising sector.

Australian Consumer Law update

20 FEB 2018

The recent Treasury Laws Amendment (2018 Measures No.3) Bill 2018 (Cth) introduced to Parliament, is a timely reminder for organisations to ensure they have appropriate consumer law compliance programs in place. This will identify, manage and, to the extent possible, mitigate the risks associated with breaches of the Australian Consumer Law.

COFECE launches abuse of dominance investigation on e-commerce platforms in Mexico

12 FEB 2018

The investigation encompasses an array of e-commerce market participants.

FTC announces annual revisions to HSR Act thresholds

29 JAN 2018

The new thresholds will affect all transactions closing after the effective date.

DLA Piper South Africa

13 DEC 2017

DLA Piper South Africa offers legal services to clients based in South Africa, Africa and internationally. Our services include Corporate/M&A, Capital Markets, Finance and Projects, Competition and Tax law.

Antitrust Matters - November 2017

23 NOV 2017

[ANTITRUST MATTERS SERIES](#)

We are pleased to share with you a Special Edition of our periodical global publication Antitrust Matters.

Big data may become big antitrust concern

19 SEP 2017

Considering the antitrust implications of the collection and use of big data.

Principle of economic succession in private enforcement to come under Supreme Court's scrutiny

12 SEP 2017

In October 2016, the Appeal Court of Helsinki, altering the judgement of Helsinki District Court, held that certain companies, which had acquired the business or equity of asphalt cartel companies after the infringement had ended, were not liable for damages towards the claimants.

New rules on merger control in Italy

31 AUG 2017

The annual competition act for 2017 (Law n. 124 of 4 August 2017, published in the Official Journal on 14 August 2017; hereinafter "2017 Competition Act") has amended – with effect from 29 August 2017 – the requirements that trigger the duty to give notification of a concentration between undertakings (mergers, acquisitions, transfers of assets, and any other transaction which implies a change of control in a business entity) before the Italian Competition Authority (hereinafter "ICA") under the Italian antitrust law (Law n. 287/1990; hereinafter "Antitrust Law").

Big or small, it's all hardball: merger enforcement actions *below* the HSR threshold - top ten tips in non-reportable transactions

23 JUN 2014

No anti-competitive deal is immune from challenge, even if it is small - 10 important points to keep in mind in M&A transactions

A new test for Mexico's structural changes: antitrust reform – key points in one chart

16 JUN 2014

This entirely new framework should be carefully analyzed by investors in structuring their Mexico-related M&A transactions and managing their existing operations

Hong Kong Competition Ordinance implementation update

26 NOV 2012

On 23 November 2012, the Hong Kong Legislative Council (LegCo) gazetted the Competition Ordinance (Commencement) Notice (Notice), which announced that certain provisions in the 14 June 2012 Competition Ordinance (Cap 619) will come into effect during 2013.

Events

Previous

Current Issues in Competition

3 June 2019
Tel Aviv-Yafo

Antitrust trends 2019

4 FEB 2019
Webinar

How to optimize the interplay between Competition and Public Procurement?

25 OCT 2018
Lisbon

Antitrust aspects of big data and algorithms

23 JAN 2018
Webinar

NEWS

DLA Piper Canada lawyers recognized in 2020 edition of *Best Lawyers in Canada*

21 AUG 2019
DLA Piper (Canada) LLP is pleased to see 70 of our lawyers across 34 practice areas recognized in the 2020 *Best Lawyers in Canada* guide.

DLA Piper advises BASF in connection with partial divestiture of European polyamide business

14 August 2019
DLA Piper has advised DAX company BASF on the acquisition of Solvay's integrated global polyamide business. A corresponding agreement was signed by both companies in September 2017. Following the approval of the transaction by the European Commission in January 2019, which was granted subject to certain conditions including the divestment of polyamide production sites in Europe to a third party, the parties have now reached an agreement on such divestment to Domo Chemicals.

DLA Piper advises Allianz Real Estate on the acquisition of EDGE Hafencity in Hamburg

2 August 2019
DLA Piper has advised Allianz Real Estate on its acquisition of the office property EDGE Hafencity as part of an off-market forward deal. EDGE Hafencity Hamburg will be a 15-storey building with a total lettable area of approximately 22,500 sqm.

DLA Piper grows Litigation & Regulatory practice in South Africa with new hire

1 July 2019
DLA Piper today announces the appointment of Werner Rysbergen as a new director in its Litigation & Regulatory practice, based in Johannesburg, South Africa.

Tony Samp joins DLA Piper as policy advisor in Washington, DC

10 July 2019

DLA Piper announced today that Tony Samp has joined the firm's Government Affairs practice as a policy advisor in Washington, DC.

DLA Piper advises KRAHN on acquisition of eMBe Products & Service

26 June 2019

DLA Piper has advised chemical distributor KRAHN Chemie GmbH on its acquisition of eMBe Products & Service GmbH, one of the leading additive manufacturers for the ceramics and powder metal industry in Europe.

DLA Piper advises Rolls-Royce on acquisition of Siemens' eAircraft business

21 June 2019

DLA Piper has advised Rolls-Royce plc on the acquisition of Siemens' electric and hybrid-electric aerospace propulsion activities, eAircraft. The acquisition will accelerate the delivery of Rolls-Royce's electrification strategy and boost its ambition to play a major role in the "third era" of aviation. The completion of the transaction is expected in late 2019, following a period of employee consultation.

Bretton Woods Law Canada to join DLA Piper (Canada) LLP's Montréal office

1 MAY 2019

DLA Piper (Canada) LLP is pleased to announce it has reached an agreement with the Montréal office of Bretton Woods Law Canada. Effective May 1, 2019, Bretton Woods Canada's team of four lawyers and an articling student will join DLA Piper Canada's Montréal office.

DLA Piper strengthens Intellectual Property and Technology offering in Russia

18 APR 2019

DLA Piper today announces that Julianna Tabastajewa will be joining the firm as a counsel in its Intellectual Property and Technology practice based in Moscow. Her practice focuses on IP protection and litigation in the area of pharmaceutical, competition and, media law, as well as franchising.

DLA Piper announces partnership promotions for 2019

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

DLA Piper hosts leading business and diplomacy conference

14 MAR 2019

DLA Piper's London office has hosted the Annual Conference of the International Diplomatic and Business Exchange (IBDE).

Chambers Global 2019 recommends DLA Piper (Canada) LLP

19 FEB 2019

Nine DLA Piper (Canada) LLP practitioners have received rankings in the 2019 edition of *Chambers Global*, which conducts thousands of independent peer and client interviews every year to identify top legal talents from around the world.

Paul Tiburzi named to the Daily Record's 2019 Influential Marylanders list

1 FEB 2019

DLA Piper is pleased to announce that Paul Tiburzi, chair of the firm's Maryland Public Policy and Administrative Law practice, was named to the *Daily Record's* 2019 Influential Marylanders list.

DLA Piper (Canada) LLP recognized in 2019 Legal 500 Canada guide

7 DEC 2018

DLA Piper (Canada) LLP is pleased to announce that 42 firm lawyers across 17 practice areas have been recommended in the latest edition of the *Legal 500 Canada*.

Dean Fealk named honorary senator of German economy

6 DEC 2018

DLA Piper is pleased to announce that Dean Fealk has been named an honorary senator of the German economy (Senat Der Wirtschaft) in recognition of his efforts to strengthen transatlantic relations by leading trade, investment and innovation initiatives between Germany and California.

DLA Piper, Lomonosov Moscow State University, White & Case and PILnet held the eighth annual legal ethics course in Moscow

19 NOV 2018

In November 2018 the Law Department of Lomonosov Moscow State University, jointly with DLA Piper, White & Case and the Global Network for Public Interest Law (PILnet), ran the annual training course on legal ethics for Russian law students from across the country for the eighth consecutive year.

DLA Piper Canada recognized by Chambers Canada 2019

27 SEP 2018

DLA Piper (Canada) LLP is pleased to be recognized as an industry leader in the 2019 edition of *Chambers Canada*. With 34 lawyers recognized across 20 practice areas, this is DLA Piper Canada's strongest showing to date.

DLA Piper represents the Securities and Exchange Board of India (SEBI) to recoup funds from one of the world's largest Ponzi schemes

16 AUG 2018

DLA Piper has successfully acted with Counsel (Thomas Bradley QC, Michael Hodge QC and Julia O'Connor) for the Securities and Exchange Board of India (SEBI) in the second of two proceedings before the Federal Court of Australia.

DLA Piper strengthens Competition practice in Finland with new partner hire

6 AUG 2018

DLA Piper is pleased to announce that Mika Oinonen joins the firm as a Litigation and Regulatory partner and Head of the Competition and Regulatory practice based in Helsinki.

DLA Piper's GTGA team named Sanctions Law Firm of the year 2018

27 JUL 2018

DLA Piper's Global Trade and Government Affairs (GTGA) team has been named Sanctions Law Firm of the year, Europe, at this year's WorldECR Awards.

Former Congressman Charlie Dent to join DLA Piper as Senior Policy Advisor

30 MAY 2018

DLA Piper announced today that former US Representative Charlie Dent will join the firm's Government Affairs practice in June as a Senior Policy Advisor based in Philadelphia and Washington, DC.

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12 Apr 2018

DLA Piper announces partnership promotions for 2018

3 APR 2018

DLA Piper is proud to announce that 62 lawyers have been promoted to its partnership. The promotions are effective as of 1 April 2018 in the United States and 1 May 2018 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 42 different offices throughout 20 countries.

DLA Piper advises Timor-Leste on historic maritime treaty

6 MAR 2018

DLA Piper has been advising the Government of Timor-Leste, for more than four years, on its historic maritime treaty with the Australian Government, signed today at the United Nations Headquarters in New York, following the successful outcome of a compulsory conciliation process.

Chambers Global 2018 recommends DLA Piper Canada

20 FEB 2018

DLA Piper (Canada) LLP professionals are once again featured in the latest edition of the *Chambers Global* guide.

DLA Piper (Canada) LLP expands rankings in *Legal 500 Canada*

1 DEC 2017

DLA Piper (Canada) LLP is pleased to have achieved its best showing to date in *Legal 500 Canada*, with 11 lawyers gaining new rankings in the newly released 2018 edition.

Six months until GDPR: companies still reporting low levels of preparedness

15 Nov 2017

For the over 200 organisations responding to DLA Piper's Data Privacy Scorebox online survey tool since the start of the year, the average alignment score with all key international data privacy principles was 31.5%, as against an 38.3% average score for respondents in the 2016 calendar year.

DLA Piper launches UK Diplomatic Service offering

30 OCT 2017

DLA Piper successfully launched its UK Diplomatic Service offering on Wednesday 18 October with presentations and a panel discussion at Grosvenor House, Mayfair.

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18 Oct 2017

DLA Piper secures landmark decision from the General Court of the European Union on legal remedies for banks

28 SEP 2017

The decision obtained by DLA Piper is the first one in which the General Court of the European Union has considered fundamental questions regarding legal remedies in connection with the new European banking supervision under the Single Supervisory Mechanism.

DLA Piper (Canada) LLP increases rankings in *Chambers Canada 2018*

29 SEP 2017

DLA Piper (Canada) LLP is pleased to be recognized for its expanding market leadership in the 2018 edition of *Chambers Canada*, garnering its highest number of rankings to date.

DLA Piper establishes EU-Greek practice in Brussels

21 SEP 2017

DLA Piper has today announced the establishment of a Brussels based EU-Greek practice.

China-Latin America Business and Investment Forum held in Beijing

28 AUG 2017

The 2017 China-Latin America Business and Investment Forum held today in Beijing co-sponsored by global business law firm, DLA Piper, together with The Cohen Group and China Fortune Media Group, brought together over 100 key business, commercial and legal leaders from over 50 companies and organizations to discuss the burgeoning business and investment opportunities available to Chinese investors and businesses in Latin America.
