



Bertold Bär-Bouyssière

Partner

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Dr. Bertold Bär-Bouyssière, LL.M., is one of the leading practitioners of competition law in Brussels and Germany. Bertold has more than 25 years of experience in the field. A partner with DLA Piper's Brussels and German offices, Bertold is a Fulbright alumnus and admitted to the New York, German and Brussels bars. Bertold currently co-heads the EU Competition team in Brussels and also has responsibilities as Elected Member of DLA Piper's International Board. Since 2017, Bertold serves as Elected Co-Chair of AmCham EU's Competition Policy Committee.

Together with other partners and his team, Bertold advises at the forefront of competition and State aid law developments and represents clients in landmark cases before competition authorities and the EU Courts. Over the years, Bertold has gained extensive experience in the application of competition rules in a large variety of industry sectors including life sciences, pharmaceuticals, medical devices, defence equipment, chemicals, crop protection, petrochemicals, gas, electricity, steel, motor vehicles, automotive components, construction equipment, cable television & multimedia, telecommunications, aerospace, satellite launching, tourism, air transport, online gaming, shipbuilding, food processing, fuel card services, financial services, luxury watches, and more. He is also well connected with the political EU stakeholders in Brussels.

Giving back to the community is very important to Bertold, who manages DLA Piper's worldwide legal support to EURORDIS, the European Organization for Rare Diseases. Together with his family, he has been sponsoring the education of several children in Ethiopia for now more than fifteen years.

Bertold provides services to DLA Piper UK LLP through a limited liability company.

LANGUAGES SPOKEN

- German
- French

RELATED SERVICES

- International Trade, Regulatory and Government Affairs
- Antitrust and Competition
- Litigation, Arbitration and Investigations

RELATED SECTORS

- Technology
- Life Sciences

LANGUAGES SPOKEN

German French
English

- English

EXPERIENCE

Recent and Ongoing Experience (2019-20):

- Representing a European defense company in a joint venture with a State-owned company in the Middle East.
- Representing a Canada-based provider of simulated flight training services and a European military aircraft maker in the setting-up of a military flight academy.
- Representing a European light weapons manufacturer in global market access and regulatory issues.
- Representing the Government of a EU Member State in an antitrust case before DG COMP (electricity).
- Representing a Chinese private equity investor in securing merger clearances for acquisition projects in Europe.
- Representing a State-owned investment fund in the Middle East in setting up an industrial joint venture in the electricity sector.
- Representing a US-based maker of electronic cigarettes in obtaining market access in Europe.
- Advising Asia-based maker of alternative cigarettes in structuring a global distribution agreement.
- Representing Merck KGaA in a competition-law follow-on damage claim in Germany after a competition of proceeding of more than ten years before the Bundeskartellamt.
- Representing Merck KGaA in the European Commission's first-ever "reverse payment patent settlement" competition investigation (Lundbeck) and in the CMA's first-ever such case (Paroxetine), both all the way up to the European Court of Justice.

CREDENTIALS

Professional Qualifications

- Avocat registered with the Ordre Francais des Avocats du Barreau de Bruxelles
- Rechtsanwalt admitted with Rechtsanwaltskammer Frankfurt am Main

Prior Experience

- 2005 to date, Partner, DLA Piper
- 2002 to 2005, Partner, New York-based law firm
- 1996 to 2002, Associate, New York-based law firm
- 1995 to 1996, Associate, German-based law firm
- 1994 to 1995, Associate, German-based law firm

Recognitions

- Bertold is independently nominated by senior in-house counsel as an *Acritas Star* for being "*one of the most outstanding lawyers they have worked with*".
- He is also recommended since 2004 in *Chambers'* The World's Leading Lawyers and *Legal 500* as a leading expert for EU Competition and State aid (subsidies) law, with a special praise of his talent for delivering time and cost-efficient high-quality work.
- Clients describe him as a "*very efficient, proactive and business-oriented lawyer who always makes himself available - brilliant.*", *Chambers* 2017.

Education

- University of Freiburg i. Br. (Dr. iur, summa), 1995
- University of Freiburg i. Br. (Assessor), 1994
- George Washington University, LL.M., Fulbright scholar, 1991
- University of Freiburg i. Br., J.D., 1989
- University of Strasbourg, Dipl. Comparative Law, 1988
- Geneva, DAAD scholar, 1985

Memberships

- AmCham EU
- Studienvereinigung Kartellrecht
- Europa-Institut Freiburg i. Br.
- Bund Katholischer Unternehmer
- Brussels Bar (1997, E-List)
- Frankfurt Bar (1994)
- New York Bar (1991)

INSIGHTS

Publications

Antitrust Matters - Special edition

17 December 2020

Antitrust Matters

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

Beauty and the beasts

20 November 2020

No stone unturned, some say when reflecting on the new normal in the COVID-19 era. Surprisingly, this is not so in competition law, where things have largely remained the same. How is that possible?

Antitrust Matters

September 2020

Antitrust Matters

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

It's all linked: a close look at the EC's proposed Digital Services Act and its moves to protect strategic EU industries

September 2020

The Digital Services Act (DSA) is a legislative package first announced by European Commission President Ursula von der Leyen in the political guidelines back in July 2019 and confirmed in February 2020 in the Commission's communication, Shaping Europe's digital future.

COVID-19: National security risks lead to expanded global foreign direct investment reviews

11 May

Key developments in global FDI review regimes.

COVID-19 & Antitrust: How pharmaceutical manufacturers can lawfully cooperate

1 May 2020

Antitrust and Competition: Novel Issues in a Post-Coronavirus World

On 29 April 2020, the Commission published the full text of the Comfort Letter granted on 8 April 2020 to the pharmaceutical association "Medicines for Europe" that represents a number of pharmaceutical manufacturers throughout Europe.

Antitrust and Competition: Impact of Coronavirus COVID-19

14 April 2020

Antitrust and Competition: Novel Issues in a Post-Coronavirus World

As new national restrictions on free movement of citizens are being imposed every day and a number of other measures are being implemented by governments, the national and EU regulatory landscape is challenging for companies to navigate. In light of the current situation, several competition authorities around the world announced specific points of focus for the coming weeks.

EU Antitrust Framework for the coordination of essential coronavirus COVID-19 products and services

10 April 2020

Antitrust and Competition: Novel Issues in a Post-Coronavirus World

On 8 April 2020 the Commission published a Temporary Framework for the antitrust assessment of increased business cooperation between competitors in response to coronavirus COVID-19. The aim is to reduce shortages for essential products and services.

Antitrust Matters - April 2020

7 April 2020

Antitrust Matters

We're pleased to share with you a new Edition of our periodical global publication Antitrust Matters.

Coronavirus COVID-19 and the extension of the Consortia Block Exemption Regulation

30 March 2020

Antitrust and Competition: Novel Issues in a Post-Coronavirus World

The European Commission has decided to prolong the block exemption for liner shipping consortia.

In line with its proposal, the Commission announced on Tuesday 24 March a second extension of Regulation 906/2009, known as

the Consortia Block Exemption Regulation (CBER),¹ until 25 April 2024.²

We have provided further details and some hints as to how this will play out in the current coronavirus COVID-19 crisis.

Antitrust Matters - November 2019

18 November 2019

Antitrust Matters

We're pleased to share with you a new Edition of our periodical global publication Antitrust Matters

EU loan syndication and its impact on competition in credit markets - are you aware of the risks?

27 September 2019

The European Commission published its massively detailed report on EU loan syndication, its impact on competition in credit markets and has identified several competition law risks arising across the different stages of the loan syndication process. But do you know how these risks could affect your company?

British Standards Institution "Privacy – Raising the standard" Conference, 25 June 2019 in London

28 MAY 2019

We are pleased to announce that Bertold Bär-Bouyssiere, EU Competition Partner and Elected member of the International Board at DLA Piper, will speak at the conference "Privacy – Raising the standard" on 25 June 2019 in London.

New EU Regulation safeguarding fair competition - Milestone for EU air carriers

22 MAY 2019

On 10 May 2019, the EU regulation on safeguarding fair competition in international air transport was published in the Official Journal of the EU (Regulation (EU) 2019/712 of the European Parliament and of the Council of 17 April 2019). The Regulation aims at ensuring fair competition between EU and non-EU air carriers.

Antitrust Matters - May 2019

13 MAY 2019

Antitrust Matters

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

EU Policy & Regulatory Alert: EU Mechanism for Foreign Investment Screening to Enter into Force in April

21 MAR 2019

Today, on 21 March 2019, the new Regulation establishing a framework for the screening of foreign direct investments into the Union was published in the Official Journal of the European Union (EU).

Bertold is a prolific writer and his concise and witty legal prose is known for getting to the heart of legal matters. Bertold's major

work is a German language commentary on the State aid provisions of the EU Treaty (3rd edition 2012), but he also excels in shorter formats and in editorial style. Recent and upcoming publications include:

- "State Aid Law (Commentary on Articles 107-109 TFEU)", in: *Jürgen Schwarze, EU-Kommentar*, 4th edition 2019
- "Competition law in the tourism sector" (book chapter, upcoming 2020)
- "Industrial Policy & Merger Control after Siemens/Alstom", in: *Antitrust Matters - November 2019*, 18 November 2019
- "Commissioner Vestager's Mission Letter - The way ahead", 13 September 2019
- "A landmark EU competition law decision on the restriction of internet sales by authorized resellers of luxury goods", 8 December 2017

Events

- "Hub and Spoke pitfalls and how to avoid them" - Food and Beverage Conference, London 2 June 2015
- "IP Rights in the Antitrust Hurricane", IP Summit, London, October 2014
- "Competition, Antitrust and Pharma Patents: Protecting Your Intellectual Property in Light of Recent Case Law", C5 EU Pharma Regulatory and Competition Law Conference, Brussels, September 2014
- "Patently Dangerous", Strategic Patent Use and Competition Law Enforcement, C5 Pharma Patent Extensions Conference, London, June 2014
- "Unendlich spannend - die nicht enden wollende Saga vom Patentschwan und dem Kartellentchen," Universität Osnabrück, February 2014
- "Expropriation - How Antitrust Undermines Patents and Innovation," C5 Biotech Conference, Amsterdam, 29 January 2014
- "What's left? - Does Antitrust undermine the essence of patents?" - Kartellrecht im Kunstverein, Frankfurt, 26 November 2013
- "How to manage your IP Rights Without Infringing Upon Competition Law?" C5 Compliance Conference, London, 22-23 October 2013
- "Reverse" Patent Settlements" - UCB Lunch Seminar, Brussels, 13 June 2013
- "David versus Goliath - Using Competition Law to Force Innovation", DLA Piper Global IPT Conference, Brussels, 24 January 2013