

## ANTITRUST

### OVERVIEW

Our leading Antitrust & Competition practice includes over 75 dedicated lawyers located in 15 offices across the US, UK, Belgium, France and Germany. Our significant global coverage is combined with intimate local knowledge of markets and regulatory regimes. Whether your issue is international or domestic, we will provide the strategic insight necessary to help you manage antitrust and competition law risk and at the same time achieve your commercial objectives. Our team provides commercially-focused, full-service competition and regulatory support to clients, ranging from compliance policies and training to cartel investigations and merger control. The experience of our team is substantive and diverse – in private practice, in industry, at regulators, in economics and in law. We are well-equipped to offer innovative, efficient and effective solutions. We are continually recognised for our work, and Global Competition Review has named us “one of the world’s leading competition practices”.

### COUNSELLING AND COMPLIANCE

In addition to working with clients dealing with significant domestic and international cartel investigations, we act as trusted advisors to clients on the full spectrum of antitrust issues, including assessments of supply and distribution arrangements and other vertical agreements, horizontal cooperation agreements and monopolization/abuse of dominance questions. Given the importance of compliance, we help companies devise and implement policies by understanding the risks facing their businesses.

When there are concerns about conduct, we work with clients to undertake the necessary internal investigations, focussing on identifying and mitigating risk. We also have extensive experience helping clients with queries relating to State aid and public procurement. With years of experience advising clients across regulated sectors, we bring a strategic approach to achieving a successful outcome, and our strength and depth across multiple industries provides clients with exceptional insight into the common themes and challenges facing regulated businesses.

### MERGER CONTROL

We help our clients minimise the cost and burden of complying with the multiple systems of merger control that now exist worldwide, and help clients obtain clearance in those jurisdictions where notification is required, in the shortest time and in an efficient and co-ordinated manner. Members of our team have successfully advised on many high profile and complex transactions, including

obtaining HSR clearance from the US competition authorities and responding to second requests, as well as Phase II investigations by the European Commission and UK Competition and Markets Authority. Our strong relationships with the US, EU, UK and other competition authorities enable us to navigate the merger control process smoothly, from briefing papers and pre-notification meetings to notifications, oral hearings and, where necessary, negotiated modifications and remedies. We are able rapidly to assess whether and where your transaction may need to be disclosed, and we advise you as to regulatory risk to allow for well-informed decisions that affect the future of your business.

## COMPETITION LITIGATION

In the past decade, our award-winning team has been at the forefront of advising clients in disputes concerning alleged anti-competitive conduct, including bringing and defending damages actions and defending class action suits (involving allegations of unlawful agreements, monopolization, and abuse of dominance). Globally, we have acted in many key competition litigation cases. Unlike many practices, we represent a wide range of clients, including both defendants and claimants/plaintiffs. Using our comprehensive knowledge and experience from different standpoints, we stay one step ahead in formulating successful strategies.

## MEET THE TEAM



### **Rebecca A. D. Nelson**

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## RELATED PRACTICE AREAS

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## AREAS OF FOCUS

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### **Foreign Direct Investment: key recent and future developments in Europe and the US**

At a time of significant geopolitical challenges, many jurisdictions are looking at their investment screening regimes to ensure that they can adequately safeguard national security and public order. Within this context, there have been – or will likely soon be – significant changes to FDI regimes across the world. In this article, BCLP's experts in Brussels, Hamburg, London, Paris and Washington DC explore current or forthcoming amendments to the FDI regimes in France, Germany, the United Kingdom, the United States and the European Union.

News

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### **CMA hits accelerator on enforcement of UK labour markets**

Whilst not traditionally a focus of the Competition and Markets Authority (“CMA”), the UK’s labour markets now form one of the CMA’s strategic priorities, as outlined in its 2023 to 2024 Annual Plan. The Annual Plan highlights that with the cost-of-living crisis and at a time where finances are under particular pressure, the CMA wants to clamp down on cartel behaviour and unilateral effects impacting household income and labour markets, and therefore is actively pursuing collusive behaviour that affects finances/household incomes. The CMA’s focus on labour markets comes at a time that the UK Government has also signalled its intention to limit post-termination non-compete clauses to a period of three months.[1] Since coming squarely into the CMA’s focus, the CMA has: (i) published specific guidance for employers on the types of anti-competitive agreements and behaviours they should avoid in l...

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### **Paris Litigation Gazette Issue 5**

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Feb 07, 2024

## **Showing anti-competitiveness the red card**

The European Union's Court of Justice ("ECJ") went into the 2023 winter break in style, publishing a hat-trick of judgments (hereafter referred to as SuperLeague, ISU, and Royal Antwerp) regarding the application of competition law to the governance of sport. These judgments are an El Clasico of sorts for sports and competition law aficionados, with far reaching implications for rule-makers (such as FIFA, UEFA, the ISU, national sports associations and other sports governing bodies), players, clubs, fans, and other sectors more generally. This article details the factual background of the judgments, before assessing in turn, key implications in terms of sports governance and competition law. The judgments (ISU and SuperLeague in particular) strongly affirm the application of competition law to the governance of sports, and may subsequently result in many sports governing bodies revisiting the content and ap...

Insights

Jan 29, 2024

## **The Year Ahead For M&A Regulation In Brussels**

2024 is shaping up to be a year of significant change in Brussels. European Parliamentary elections in June will be followed by the appointment of a new Commission in the autumn. After two terms and 10 years at the helm of EU competition policy (which is unprecedented in recent times), Margrethe Vestager is likely to move on from her post as the bloc's top antitrust enforcer – and her replacement will likely bring a new enforcement agenda. This article explores the top current trends and developments affecting M&A regulation in Europe, focusing on the continued targeting of "below threshold" deals via Article 22 of the EU Merger Regulation ("EUMR"), the rise of the new ecosystems theory of harm, the role of the Foreign Direct Investment ("FDI") and Foreign Subsidies Regulation ("FSR") screening regimes and sustainability as a factor in the substantive assessment of mergers – all set against the backdrop of the incomin...