

## Antitrust: European Competition Law

Our European competition (antitrust) practice covers the full spectrum of European competition law matters, including mergers, damages litigation, IP/antitrust, cartel investigations, counseling, and compliance. We have a particular focus on antitrust litigation, including recovery work.

In addition to our EU-level capabilities, we have in-house experience in Belgian and U.K. competition law, and we can rely on a global network of lawyers across Europe when matters pertaining to other national jurisdictions arise. We have experience as both advisors and regulators, and we have the backing of more than 70 antitrust lawyers in our U.S. offices, which gives our competition practice a truly international scope.

**"Commentators hail the team's 'good availability, great expertise and supportiveness.'" *Chambers Europe*, 2019**

**"[A] 'very capable team with an emphasis on commercially-oriented advice, client care, and regular communication.'" *Chambers Europe*, 2017**

**"A particular area of strength is in matters involving an interplay of competition law and intellectual property." *Legal 500 EMEA*, 2017**

We have excellent working relations with the European Commission, as well as with national competition authorities (in particular in Belgium and the U.K.). Our litigation skills make us opponents to contend with on a national level (e.g., before the specialized Competition Chamber of the Brussels Court of Appeal and before civil courts throughout Belgium), and we have an excellent track record before the Court of Justice of the European Union (CJEU).

Our competition lawyers are regular contributors to handbooks, legal journals, and blogs. We are frequently asked to speak at conferences and seminars throughout Europe, and our knowledge of competition law has been widely acclaimed (e.g., by *Legal 500 EMEA*, *Chambers Europe*, and other leading legal guides).

**"Crowell & Moring is commended for its 'strong business knowledge' and for 'proactively keeping clients apprised of developments in EU law.'" *Legal 500 EMEA*, 2018**

## OUR SERVICES AND EXPERIENCE

### Merger Control

Our European competition practice has coordinated notifications and merger procedures in more than 40 jurisdictions worldwide. In particular, our merger control experience enables us to:

- Assess the need for and desirability of notification.
- Assess the likely complexity of proceedings.
- Obtain merger clearance rapidly and with minimum disruption.
- Manage the entire notification process.

We regularly undertake both large-scale acquisitions and joint ventures, as well as multijurisdictional filing analyses in cases that do not meet EU thresholds.

### **Antitrust Counseling and Litigation**

A significant part of our competition practice is devoted to counseling, and we advise on a large number of competition-related topics, both at EU and at the national level:

- Joint ventures and forms of cooperation with competitors.
- Dominance issues.
- IP and licensing.
- Distribution agreements.
- State Aid.

Litigation experience is at the heart of our competition practice. Issues range from patent settlements and state aid to distribution questions and pricing questions relating to dominance. Crowell & Moring lawyers have been involved in more than 50 cases before the CJEU.

### **Antitrust Compliance and Audit**

We provide compliance support, training, and audits to SMEs, multinationals and trade associations. Our compliance training is tailor-made to suit each individual client and we ensure that it is interactive and based on real examples. We also provide dawn raid guidelines and useful compliance materials that cover frequently occurring issues, such as price signaling and other information exchanges.

- Compliance training.
- Compliance programs.
- Dawn raid support.
- Audits.

We offer most of our compliance products on the basis of a flat fee agreement. This ensures an attractive predictability for our clients.

### **Antitrust Damages Recovery**

In the U.S., bringing a legal action to recover damages from suppliers (and others) that have engaged in cartel activity is already a well-established practice. In Europe, this is a rapidly growing area, and the knowledge and experience of our Crowell & Moring colleagues in the U.S. has allowed us to be frontrunners in this area -- making new law and recovering tens of millions of euros for our European clients.

**“Instead of paying lawyers, we like it when our lawyers bring us checks. The Crowell lawyers brought us the recovery opportunity and then recovered millions of dollars for us. They know how to do this right.”** Jim Ellis, former Executive Vice President & General Counsel, AT&T

We seek to provide services to our clients with limited upfront cost, and further payment when and if we have achieved a result. Client service is central: we aim to meet our clients' needs rather than simply maximizing our fees and to establish a long-term relationship of trust that is not limited to recovery work.

- Preparation and strategic analysis.
- Where possible, negotiation and settlement.
- Litigation where necessary.

If a cartel recovery case cannot be resolved by a negotiated solution and settlement, we litigate. Our cartel damages litigation has made new law in the U.K., and we have represented clients in private action matters in Belgium and in arbitration proceedings before the International Chamber of Commerce.

### **OUR INDUSTRY/SECTOR FOCUS**

We have significant experience in the telecommunications sector, and in other regulated industries. We also handle matters for clients from the following sectors: aerospace; automotive; chemicals; dredging; energy; fast-moving consumer goods; financial services; food and feed; information technology; life sciences, medical devices and biotechnology; media and entertainment; paper; steel; telecommunications; and tobacco.