

MERGER CONTROL

Our Brussels-based lawyers have extensive merger control experience at all levels of scale and complexity, both as advisors and as regulators. This includes successfully guiding deals to clearance through first and second phase reviews at both EU and national levels, negotiating commitments and managing referrals to and from the European Commission.

In addition to large-scale acquisitions and joint ventures, we regularly undertake multi-jurisdictional filing analyses in cases that do not trigger EU thresholds, and manage any subsequent notifications.

Assessment of Notification Requirements

The type of transaction that qualifies as a notifiable 'merger' can differ from jurisdiction to jurisdiction. Moreover, each jurisdiction will apply different notification thresholds and timetables for review. Our team works in close cooperation with colleagues in the U.S., as well as with our extensive network of reliable contacts in other countries, to develop and execute an appropriate notification strategy in a timely manner.

Substantive Assessment

Prior to notification, we will assess the likely complexity of merger control proceedings. In complex cases, this may involve working in close cooperation with external economists. Depending on the outcome of this assessment, we will provide practical guidance on adapting the transaction to avoid merger control or minimize delays.

Notification of the Transaction

We manage the entire notification process on behalf of our clients. Our lawyers appreciate the importance of a strong and effective relationship with the commercial teams in effectively navigating the merger control process. In some circumstances, cooperation with external IT providers is required in order to

process large amounts of data in a very limited period of time. We have developed best-friend relationships with external providers to guarantee time and cost-efficient solutions in such cases.

We have managed and coordinated notifications and merger procedures in more than 40 jurisdictions worldwide, from Brazil to China and from Australia to the United States. Industries involved include air transport, agriculture, automotive, chemicals, energy, fast moving consumer goods, food, life sciences, media, medical devices, mining, paper, telecoms, tobacco, dredging and steel.

Our considerable experience includes acting for interveners and third parties to whom information requests have been addressed. In this context, we understand the importance of identifying our clients' interests and objective, and we have a great record of success in achieving desired outcomes.

Our Team

Our team of lawyers combines their thorough knowledge of competition law with skills acquired through their work for a broad range of industries. They are highly recommended in respected legal journals such as the Legal 500 EMEA and Chambers Europe.

"Crowell & Moring's 'excellent and responsive' team handles a steady flow of large merger control matters" Legal 500 EMEA, 2015

"Sean-Paul Brankin has 'excellent knowledge of competition law and the ability to quickly identify the key points and advise accordingly.'" Legal 500 EMEA, 2015

"Thomas De Meese has 'a hands-on, no-nonsense approach' and 'a drive for excellence'." Legal 500 EMEA, 2013

Of Salomé Cisnal de Ugarte: "Her extensive experience with [...] competition law [...] sets her apart from most practitioners; however, it is her ability to apply this knowledge to actual business

situations, and to understand how to use this to address clients' business goals, that truly marks her value to a client." ILO Client Choice winner, 2013

Representative Matters

- Advised a global cable TV and telecommunications operator in relation to a Phase II EU clearance of its acquisition of a TV content provider involving complex behavioral remedies.
- Advised a U.S. supplier of light-weight and specialty metals in relation to a \$1.5 billion acquisition requiring EU clearance of a producer of specialist components for aerospace and other hi-performance applications.
- Advised the same U.S. corporation in relation to an unrelated transaction, also in the light-weight metal components sector, requiring notification and clearance in various national jurisdictions.
- Advised a leading U.S. telecommunications firm in relation to a \$5 billion outsourcing transaction in the IT sector.
- Obtained unconditional merger clearance from a national competition authority for a merger giving rise to a 90% market share.
- Obtained structural remedies from the European Commission for an intervener in relation to a multi-billion dollar aerospace joint venture.
- Obtained the amendment of remedies imposed by the Belgian Competition Authority following changed market circumstances.

CONTACTS



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