



HERBERT
SMITH
FREEHILLS

OUR BRUSSELS PRACTICE

HEART OF EUROPE



Strategic advice on EU matters

Based in the heart of Europe for over 30 years, our Brussels office provides global clients with commercially-focused, legal and strategic advice across the full spectrum of competition, regulation and trade issues.

Our competition law team has a distinguished track record of delivering results for clients in the most challenging cases, navigating EU and national competition laws across Europe and globally. We advise across the spectrum of competition law matters, including in relation to merger control, foreign direct investment ("FDI"), cartels and investigations, unilateral conduct, competition litigation, competition compliance, State aid and EU procurement.

Our EU law experts have unparalleled expertise in proceedings before the European Commission and courts across various fields of EU law, having led in numerous high-profile cases. Our team has an excellent understanding of the workings of the EU, drawing on the experience of former secondees, officials and judges at the European Commission and EU courts. Our team includes **Kyriakos Fountoukakos** (Brussels Office Managing Partner and EMEA Regional Head of

Practice for Competition, Regulation and Trade), a former European Commission official and *Référéndaire* at the EU General Court and a current officer of the IBA's Antitrust Committee; **Bo Vesterdorf**, one of the most respected experts on the international competition circuit and a former President of the EU General Court; and **Eric White**, a former senior member of the European Commission's Legal Service, who has over 35 years' experience in EU, trade and WTO law. Additionally, other members of our team have completed internships at the European Commission.

Our lawyers are considered as thought leaders in their field – with a number of the team ranked in *Who's Who Legal* – and are active in wider discussions, consultations, international committees and debates about the future development of competition and EU law.

The Brussels office is also the hub of our global international trade and WTO law practice, acting on disputes under the WTO dispute settlement mechanism and advising on market access strategies, sanctions, export controls and trade remedy matters.

We pride ourselves on providing excellence in client service and being easy to work with. Central to our ethos is a commitment to act robustly to defend and promote our clients' interests.

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Brussels is at the heart of the European Union and EU law. Companies from all over the world need EU law advice to obtain clearances for deals, make sure their agreements are in compliance with the competition rules, defend against investigations in cartels or abuse of dominance cases, and be on top of State aid, trade and EU regulatory issues that may affect their business. We have multi-national specialist teams on the ground that know the EU institutions intimately and can provide strategic advice in all these areas.”



KYRIAKOS FOUNTOUKAKOS

Brussels Office Managing Partner,
Herbert Smith Freehills

How we can help

Widely recognised for the strength of our competition, regulation and trade practice, we offer innovative advice and comprehensive support to meet your European and global needs.



Merger control

We partner with clients to identify antitrust risks and formulate a filing strategy, guiding our clients through complex competition and regulatory reviews. We often coordinate filings across borders and work closely with our international network to conduct multi-jurisdictional assessments and obtain clearances around the world. We also have a significant track record in contentious merger control matters at EU and national level.



Foreign Direct Investment ("FDI")

We provide strategic advice and guide clients to navigate FDI regimes and obtain all necessary authorisations. The Brussels office as EMEA hub has a lead role in giving coordinated advice to international clients across jurisdictions, formulating and implementing coordinated deal strategies to secure global clearances and successful completion. This is more important than ever with a new EU Regulation on FDI being applicable throughout the EU.



Cartels and investigations

We provide strategic advice to clients when facing investigations, regularly dealing with the European Commission and multiple regulators across borders. We provide full service coverage from advising on dawn raids, conducting internal investigations, handling data/document requests to leniency/immunity and settlement strategies, appeals before the EU courts and private damages actions.



Agreements and unilateral conduct (abuse of dominance)

We have extensive experience in non-cartel antitrust investigations, advising in respect of both anti-competitive agreements and abuse of dominance/misuse of market power, including representing clients in investigations at the cutting edge of competition law (e.g., those concerning big data, pricing issues such as predatory pricing, rebates, excessive pricing and margin squeeze, geoblocking, information sharing, online and other innovative distribution models, access pricing, and patent life-cycle management).



Competition litigation

We regularly conduct complex and often highly technical challenges to the decisions of competition and economic regulators, both on behalf of addressees and third parties. We help clients set strategy, manage risks and conduct disputes, working with them to achieve successful resolutions, whether in court or by settlement.



Advice and compliance

We are regularly drawn upon by multinational corporations for audit and competition compliance advice (e.g. audit and advice with regard to distribution agreements, cooperation agreements, pricing strategies etc.) and for specialised training programmes. We work with clients to gauge and reduce exposure to competition law risks.



State aid and subsidy control

We advise public bodies, utilities, private companies and governments on the State aid aspects of major projects and transactions. We routinely provide advice on how to best reduce possible State aid and subsidy control risk and avoid that our clients' projects or transactions become the subject of formal proceedings.



EU law

The EU's increasingly complex regulatory framework is a core concern to many of our global clients. Our EU law specialists have extensive experience across the whole spectrum of EU regulatory rules, including those pertaining to public procurement, consumer goods, financial services, TMT (digital services and platforms) and large-scale energy projects.



International trade and WTO law

We advise both companies and sovereign governments on matters across the spectrum of international trade law, including in relation to WTO law, trade policy and agreements, investor-state dispute settlement, Brexit, sanctions and export controls, customs and market access issues and trade defence.



Our credentials

Whether pursuing M&A, joint ventures or looking to defend your market position, conduct or distribution models, either before regulators or before the courts, top-level global expertise is essential for compliance and commercial success.

Selected experience includes advising:

- **AerCap** on the merger control aspects of its US\$31 billion acquisition of General Electric's Capital Aviation Services.
- **AbbVie** on the merger control aspects of its US\$63 billion acquisition of Allergan.
- **Uber** on the merger control aspects of its US\$3.1 billion acquisition of Careem, and on its ridesharing joint venture with Yandex.Taxi.
- **Nord Stream 2** (owned by Gazprom) on its landmark legal challenge of an EU Directive extending EU gas law to the Nord Stream 2 pipeline – this involves the first ever investor-state arbitration procedure against the EU under the Energy Charter Treaty and a challenge in the EU Courts.
- A **leading financial institution** on the European Commission investigations into anti-competitive practices concerning LIBOR and Foreign Exchange (forex).
- **Sky** on the merger control and regulatory aspects of (i) its £22 billion acquisition by Comcast, (ii) its proposed acquisition by Fox and (iii) Disney's proposed acquisition of Fox.
- **Google** in connection with its appeal against the European Commission's decision to fine Google €2.42 billion in the Google Search (Shopping) investigation.
- **Time Warner** on the EU merger control aspects of AT&T's US\$85 billion acquisition of Time Warner.
- An **Asian company** in connection with the European Commission's enquiry into video games and geoblocking.
- A **number of multinational companies** in relation to European Commission State aid investigations into the tax ruling practices of EU Member States.
- **The Weir Group** on merger control and FDI advice in connection with (i) the US\$405 million disposal of its international Oil and Gas Division to Caterpillar, Inc. and (ii) its £275 million sale of its Flow Control Business division to First Reserve.
- A **number of clients** in relation to State aid and subsidy control matters (EU and UK) arising in connection with the Covid-19 pandemic, including under the European Commission's Temporary State Aid Framework.
- **Gazprom Neft** and **Rosneft** in innovative and highly technical proceedings before the EU courts challenging EU trade and financial sanctions.
- **EDF Energy** on all State aid aspects of the Hinkley Point C nuclear power project in the UK – this case represented the European Commission's first-ever State aid approval in relation to new nuclear capacity and serves as the precedent for other nuclear projects.
- **Several public and private entities** on the potential consequences of Brexit for the future trade relationship between the EU and the UK and the UK and third countries.
- A **Japanese company** in the administrative proceedings and subsequent appeals before the EU courts in the Power Cables cartel case.
- **Pilkington** on cutting-edge litigation before the EU courts stemming from the European Commission's investigation into Car Glass, including on its appeal to the Court of Justice of the European Commission's decision and on its appeal to the General Court in respect of the confidentiality of that decision.

Selected accolades

We are recognised as market leaders by the most prominent legal directories.

HSF RANKED AS
"GLOBAL ELITE"
ONE OF THE TOP 25
COMPETITION PRACTICES
GLOBALLY
GLOBAL COMPETITION REVIEW
2013-2022

"A HIGHLY REGARDED TEAM
OF EXPERTS, WITH BUSINESS
UNDERSTANDING AND
ACUMEN, PROVIDING SOUND
AND MEANINGFUL ADVICE
AND GOING THE EXTRA MILE
FOR THE CLIENT."
LEGAL 500 EMEA 2021

"THE WAY THE DIFFERENT
AREAS OF THE FIRM WORK
TOGETHER ADDS A LOT TO A
CASE. THERE IS A GOOD DEGREE
OF COLLABORATION BETWEEN
LAWYERS IN THE DIFFERENT
AREAS, WHICH YOU CAN SEE
DRAWN OUT IN THE CASE."
CHAMBERS EUROPE 2020

Key contacts



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