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LODE VAN DEN HENDE

PARTNER

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Lode is an EU and international trade law lawyer with over 25 years' experience.

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BACKGROUND

Lode is qualified as an advocaat in Belgium. He is a member of the Brussels Bar and is a Registered Foreign Lawyer (RFL) at the Law Society of England and Wales.

KEY SERVICES

Competition, Regulation and Trade
International Trade and WTO

KEY SECTORS

Consumer
Energy

EXPERIENCE

Lode adds value for clients through his expertise and practical insight in several areas including EU State aid law, EU regulation and related EU court litigation, and international trade law. In these areas he works with commercial and sovereign clients on litigious as well as transactional matters. Clients enthuse that "the quality and detail of his advice is very impressive," and that "he is good at putting our case into a wider context" (*Chambers Europe 2021*).

Lode is an EU law specialist with specific expertise advising on State aid law and EU regulatory matters. In recent years he has been involved in numerous Phase II in-depth State aid investigations before the European Commission and in significant appeals of State aid decisions and related litigation in the EU and national courts. Lode advises governments granting aid, aid beneficiaries and third parties bringing complaints in relation to competitors receiving State aid. He is ranked as a 'Recommended' lawyer for Competition – State Aid by *Who's Who Legal (2021)* and is a co-author of the State aids division of *Butterworths Competition Law Service*, a leading practitioners' publication.

Lode routinely guides clients in their engagement with regulators and legislators in relation to EU and domestic proposals. He has considerable experience litigating in the EU courts and representing clients before the European Commission and can draw on his experience gained as a Member State representative in EU Treaty negotiations.

In the area of international trade, Lode has extensive experience advising both companies and sovereign governments on matters across the full spectrum of international trade law including in relation to trade policies and agreements, customs and market access issues and in trade defence proceedings. Lode also litigates in the WTO and regularly represents clients before the European Courts and the European Commission. Lode is ranked as a 'Leading Individual' by *The Legal 500 UK (2022)* for Trade, WTO, Anti-Dumping and Customs, with one client praising him as "...the stand-out partner for me. Thoughtful, insightful, very sharp and to the point. Excellent." (*The Legal 500 UK, 2022*). He is also ranked as a 'Recommended' lawyer for Trade & Customs by *Who's Who Legal (2020)*.

Lode has significant experience representing clients active in a number of sectors, including energy, consumer goods, financial services, transport and logistics. He has a particular focus on energy sector where he regularly advises clients active in the power, oil, gas, and nuclear sectors on State aid, trade and regulatory matters. Lode is currently ranked as a 'Recommended' lawyers for Energy – Power/Electricity by *Who's Who Legal (2021)*.

Lode's experience includes:

- Nord Stream 2 on its landmark legal challenge of the amended EU Gas Directive in separate proceedings in the EU Courts, and in an investor-state arbitration pursuant to the Energy Charter Treaty – the first ever investor-state dispute settlement procedure against the EU
- advising a number of multinational companies in relation to European Commission State aid investigations into the tax ruling practices of EU Member States

- advice and assistance to 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
- advised a significant number of large low carbon electricity projects on EU State aid approval (including successfully obtaining clearances in three Phase II European Commission investigations)
- TUI AG, British Airways, easyJet and IATA in litigation before the Court of Justice of the European Union (CJEU) and in the UK and the Netherlands in relation to issues arising following the CJEU's interpretation of the EU Regulation concerning passenger compensation for delayed flights
- Rosneft and Gazprom Neft in a web of innovative and highly technical court proceedings before the UK courts, the European General Court and the CJEU challenging EU trade and financial sanctions
- British American Tobacco in challenging the validity of the EU's Second Tobacco Products Directive – the case involved more than 15 parties from eight Member States and raised legally novel and politically sensitive questions concerning the balance of powers between the EU and its Member States
- The Government of Ecuador in its landmark WTO case on the suspension of the protection of EU-owned intellectual property rights by way of countermeasure against the EU's continued non-implementation of the WTO decisions in the EC-Bananas case.