

An aerial photograph of a coral reef system, showing various shades of blue and green water. A semi-transparent blue rectangular box is overlaid on the center of the image, containing the text 'Competition & Regulatory' in white. Above this box, there is a semi-transparent tan rectangular box. The background image shows the intricate patterns of the reef and the surrounding ocean.

Competition &
Regulatory

"[Simmons & Simmons] handles a broad range of competition matters. Well respected for its mergers and investigations capabilities"

Chambers UK 2015

Core strengths

Our Competition & Regulatory team is able to provide clients with a comprehensive and integrated service through our network of international offices. We have an invaluable understanding of the workings of the European Commission and national competition authorities, enhanced through high-level contacts and time spent working for these institutions. We also have broad regulatory experience, advising private sector investors and operators, as well as government and regulatory bodies.

"They guide us through in a constructive and efficient manner."

Chambers 2015

Our services

Investigations and Complaints

- We advise on investigations by and complaints to the EU and national competition authorities. We help clients put in place effective compliance programmes as well as providing guidance and training on how to handle on-site investigations (dawn raids). Much of the cartel work which we undertake involves complex multi-jurisdictional issues and in a number of jurisdictions increasingly requires consideration of potential criminal liability. We have hands-on experience of cutting edge abuse of dominance cases. We have a deep understanding of and frequently advise on the interface between intellectual property rights and competition law both in the context of patent settlements and otherwise. We are also used to advising clients on the sensitive and complex issues relevant to taking informed strategic decisions involving leniency applications.

Competition Litigation

- This is a growing part of our practice, reflecting the significant developments which are taking place both at the EU and national level. Our focussed industry sector approach and geographic coverage, coupled with our expertise in competition law and commercial litigation, makes us well placed to provide strategic advice and to assist clients involved in competition litigation, whether standalone actions or actions by way of follow-on to a decision of a competition authority. Our practice includes representing clients before the General Court of the European Union and the Court of Justice of the European Union.

Merger Control

- We handle EU and national merger filings, including in depth Phase II investigations, as well as coordinating multi-jurisdictional filings, where our role is to ensure that the appropriate clearances in all applicable jurisdictions are obtained within the desired

transaction timetable. This includes complex joint venture and minority stake acquisitions.

Commercial Agreements

- We advise on the application of competition law to all kinds of commercial practices and agreements including joint ventures, cooperation, distribution and licensing agreements, where our aim is to offer practical solutions to competition law problems and to ensure that important commercial provisions can be enforced.

Regulatory

- We advise a variety of regulated companies, particularly in the transport, water, energy and TMT sectors on both EU and national regulatory regimes. We participate in policy formulation through our work on policy bodies and consultations.

State Aid

- We advise on the application of the EU rules, presenting complaints and handling investigations.

“They are good at listening to what we want, and are unafraid to be challenging while looking out for our best interests.”

Chambers 2014

Expertise in practice

Civil Aviation Authority

- advising the CAA in connection with judicial review proceedings initiated by easyJet concerning the Authority's decision in setting the price cap for charges at London Gatwick.

Dura Vermeer

- representing one of the largest Dutch building companies in its appeal to the European Court of First Instance (now the General Court) in the Dutch bitumen cartel case.

Dutch Real Estate

- defending NVM, the Dutch Association of Real Estate Agents, in litigation (damages for infringement of Article 101 and 102 TFEU) before the Dutch Civil Courts.

ED&F Man

- advising on competition law issues raised by the acquisition by Südzucker of a 24.99% stake, cleared by the European Commission after an in-depth Phase II review.

EDF/Dalkia

- handling merger control filing and clearance by the French Competition Authority of the acquisition of Groupe Cesbron by Dalkia, part of the EDF group

Eni S.p.A. and Polimeri Europa S.p.A.

- advising in relation to follow-on damages claim in the High Court resulting from the Commission's Decision in Butadiene Rubber and Emulsion Styrene Butadiene Rubber.

EU cartel investigations

- representing several Asian clients in relation to multi-jurisdictional cartel investigations.

European Commission

- representing the European Commission in its defence before the European Court of Justice in the Dutch brewers cartel case.

GKN

- advising on the acquisition of the all-wheel-drive automotive components businesses of GETRAG KG, cleared by the European Commission.

HMV Group

- advising HMV on its acquisition of a number of Zavvi stores in the UK, where Office of Fair Trading clearance was given on the basis of the “failing firm” arguments advanced on behalf of our client.

Hynix

- advising Hynix on its abuse of dominance complaint to the European Commission against Rambus in a case involving competition law/intellectual property interface issues in a standard setting context, and on the subsequent appeals to the General Court.

Italian Energy

- acting for leading jet fuel companies in an appeal from a decision of the Italian Competition Authority relating to a finding of abuse of dominance.

Kier

- advising Kier Group in connection with the Office of Fair Trading's investigation into bid-

rigging in the construction sector in the UK and on its subsequent successful appeal to the Competition Appeal Tribunal, where the fine was reduced by 90%.

Nedri

- representing Nedri in connection with the European Commission's investigation into a Europe wide cartel in the prestressing steel sector and on its subsequent appeal to the General Court.

Nippon Electric Glass

- advising in relation to the settlement of the European Commission's investigation into an alleged CRT Glass cartel.

Orkla

- advising the Norwegian Group, Orkla, on the creation by merger of the world's largest aluminium profiles business and on its subsequent buy-out of its joint venture partner.

Samsung

- representing Samsung in its competition law defence in patent infringement proceedings in the Netherlands.

Schlumberger

- advising Schlumberger on the merger control aspects of its \$12 billion acquisition of Smith International, Inc, a competing oilfield services supplier.

Sharp

- advising Sharp on its defence of a High Court competition damages claim brought by Nokia relating to TFT-LCD displays.

Key international contacts

Key contact biographies can be viewed at simmons-simmons.com

Peter Meyer

Düsseldorf

T +49 2 11-4 70 53-18

E peter.meyer@simmons-simmons.com

Charles Bankes

London/Brussels

T +44 20 7825 4774

E charles.bankes@simmons-simmons.com

Peter Broadhurst

London/Brussels

T +44 20 7825 3374

E peter.broadhurst@simmons-simmons.com

Tony Woodgate

London/Brussels

T +44 20 7825 4477

E tony.woodgate@simmons-simmons.com

Koen Platteau

Brussels

T +32 2 542 09 63

E koen.platteau@simmons-simmons.com

Omblin Ancelin

Paris/Brussels

T +33 1 53 29 16 42

E omblin.ancelin@simmons-simmons.com

Gonçalo Anastácio

Lisbon*

T +351 21 313 2037

E goncalo.anastacio@srslegal.pt

* Sociedade Rebelo de Sousa in association with Simmons & Simmons

simmons-simmons.com

elexica.com

[@SimmonsLLP](https://twitter.com/SimmonsLLP)

elexica.com is the award winning online legal resource of Simmons & Simmons

© Simmons & Simmons LLP 2016. All rights reserved, and all moral rights are asserted and reserved.

This document is for general guidance only. It does not contain definitive advice. SIMMONS & SIMMONS and S&S are registered trade marks of Simmons & Simmons LLP.

Simmons & Simmons is an international legal practice carried on by Simmons & Simmons LLP and its affiliated practices. Accordingly, references to Simmons & Simmons mean Simmons & Simmons LLP and the other partnerships and other entities or practices authorised to use the name "Simmons & Simmons" or one or more of those practices as the context requires. The word "partner" refers to a member of Simmons & Simmons LLP or an employee or consultant with equivalent standing and qualifications or to an individual with equivalent status in one of Simmons & Simmons LLP's affiliated practices. For further information on the international entities and practices, refer to simmons-simmons.com/legalresp

Simmons & Simmons LLP is a limited liability partnership registered in England & Wales with number OC352713 and with its registered office at CityPoint, One Ropemaker Street, London EC2Y 9SS.

It is authorised and regulated by the Solicitors Regulation Authority.

A list of members and other partners together with their professional qualifications is available for inspection at the above address.