

Cartels and antitrust investigations

Expertise

We regularly represent clients in significant anti-trust investigations at EU and national level. Leveraging our presence in all major European jurisdictions, our competition group is one of the very few with the capacity to defend the interests of clients in European-wide cartel cases.

We have widespread expertise of cartel and antitrust investigations at European level. This includes strong litigation experience before the European Courts, where we have obtained significant reductions in fines imposed for cartel participation. Our experience of administrative proceedings is first-class. We have been involved in one of the few formalised settlements undertaken by the Commission. Further, we have successfully obtained one of the first commitment decisions under the relevant procedures (Cannes Extension).

Members of the team have represented clients in the following EU cartel cases: cement; steel beams; Norwegian gas; carton board; organic peroxides; carbonless paper; Belgian banks; rail friction linings; pre-stressed steel; D-RAM; alloy steel surcharge; Spanish tobacco and bitumen.

In addition to our experience of cartel investigations at EU level, members of the team have successfully defended clients in cartel investigations at national level, where competition authorities are becoming increasingly active. For example, in France: roofing materials and baby milk; in Finland: asphalt; in Germany: candy markets and pharmaceutical trading; in the Netherlands: mobile telephony; and in Spain: savings banks, mobile telephony, baby milk, concrete, steel distributors, and burial insurance.

It is currently estimated that for each investigation carried out at EU level, five cases are investigated by European national competition authorities. Our EU & Competition Law Group is distinctly international, with fulltime partner level competition law practitioners in all major jurisdictions in Europe: Brussels, Finland, France, Germany, Italy, The Netherlands, Spain, Sweden, United Kingdom and Central and Eastern Europe (Czech Republic, Poland, Hungary, Slovakia) (for contacts see overleaf).

Unique Insight

Our team includes a former director-level European Commission official in competition matters and former Hearing Officer, whose experience of due process issues spans over 25 cartels, who assists clients in high level issues with the EC's DG Competition; as well as former high-ranking officials within national competition authorities. This allows the team to provide even deeper insights into how the regulator thinks and works and to fine-tune the strategic conduct of anti-trust cases by testing our arguments prior to official meetings.

In addition, the team has been selected in the past by the European Commission to assist it in defending against appeals of Commission Decisions concerning cartels, granting the team additional insight into litigation strategy on both sides of the fence.

Together, our expertise and unique insight means the team has the breadth and depth of experience to handle complex issues and to propose innovative and efficient remedies.

“Bird & Bird's competition team is also developing a reputation for its expertise in behavioural matters.

Chambers & Partners, 2008”



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