

## EU Competition Law Compliance

More than ever, compliance with competition law is a necessity for all companies operating in Europe. The 2006 fining guidelines have resulted in a tremendous increase in fines with record high individual fines. The European Court of Justice has recently held that parent companies can be jointly and severally liable for these even if they are located overseas and have no visibility into the actions of their subsidiaries.

Failure to obey the rules can lead to lengthy and costly investigations and the imposition of fines of up to 10% of a group's world-wide turnover. Moreover, competition law can have a significant impact on a company's commercial strategy. Agreements which do not comply with competition rules can be deemed void and unenforceable, and anti competitive practices can give rise to actions for damages by third parties, as well as negative publicity. Bird & Bird's competition law team assists clients to adequately train relevant employees and to implement successful commercial strategies.

Competition law can be both a shield and a sword for companies affected by anti competitive behaviour. Competition law can be used to help businesses to open markets, and to obtain redress for any harm caused. For example, in a recent out of court settlement we secured compensation in excess of €5 million for our clients.

Since 2004, national courts and competition authorities within Europe are empowered to apply both EU and national competition rules, which can be stricter than those at EU level. It is now estimated that for each investigation carried out at European level, five cases are investigated by European national competition authorities. The increased cooperation between national competition authorities in Europe renders essential the provision of seamless pan-European competition law advice. Bird & Bird is perfectly geared to provide this.

### Bird & Bird a One-stop shop Solution

Our pan-European reach combined with our unique insight and experience, which includes second-to-none expertise in litigation at national and European level, enables us to provide a high-quality one-stop shop for EU competition law compliance and full-service advice throughout the EU.

Our EU & Competition law Group is distinctly international, with full-time 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.

Our team combines a wealth of experience of all aspects of competition law at European and national level, and includes a former director-level European Commission official, as well as attorneys who come from high-ranking positions in national competition authorities.

Further, Bird & Bird's unique sectoral approach, in-depth regulatory knowledge and strength in intellectual property place us in an unparalleled position to advise companies operating in complex and / or recently liberalised sectors, as well as those with a strong IP focus.

#### Case study: Settlement

Members of the team, on behalf of 20 CD replicators, complained to the European Commission against the abuse of competition rules by the patent pools for CD Audio and CD ROM. A creative two step solution was achieved. As a first stage, complainants and complainees were given a limited window of opportunity to agree a settlement which resulted in an economic compensation in excess of EURO 5 million for our clients. Once a settlement was reached, the second stage involved the removal of any remaining restrictions contained in the pool licence following appropriate discussions between DG Competition's services and the parties involved.



## Contact details

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Brussels - José Rivas jose.rivas@twobirds.com DD: +32 2 282 60 93 M: +32 495 578 552  
Central Europe - Martin Maxa martin.maxa@twobirds.com DD: +421 232 332 814 M: +421 905 716 711  
Finland - Katia Duncker katia.duncker@twobirds.com DD: +358 9 622 667 49 M: +358 505 604 070  
France - Michel Roseau michel.roseau@twobirds.com DD: +33 142 68 63 50 M: +33 686 669 513  
Germany - Jörg Witting joerg.witting@twobirds.com DD: +49 211 2005 6168 M: +49 151 14827 108  
Italy - Eutimio Monaco eutimio.monaco@twobirds.com DD: +39 06 6966 7001 M: +39 3473745815  
The Netherlands - Pauline Kuipers pauline.kuipers@twobirds.com DD: +31 70 353 8810 M: +31 651 517 600  
Spain - Antonio Creus antonio.creus@twobirds.com DD: +34 91 790 6040 M: +34 639 345 339  
Sweden - Henrik Nilsson henrik.nilsson@twobirds.com DD: +46 8 506 320 33 M: +46 734 242 033  
UK - Richard Eccles richard.eccles@twobirds.com DD: +44 20 7905 6261 M: +44 7711 014 341

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