

Bird & Bird &  
EU and Competition Law

EU experience & local  
insight across Europe  
& assistance from  
A to Z & solution  
oriented & technical  
to strategic & fair  
play & a network  
of specialists & the  
broader view

## About Bird & Bird

*Bird & Bird is an international commercial law firm which combines cutting-edge legal expertise with an in-depth understanding of chosen industry sectors. With offices across Europe and Asia, we are well placed to offer our clients local expertise within a global context.*





## Unique insight

Our team includes a former director-level European Commission official in competition matters who assists clients in high level issues with the EC's DG Competition. This allows the team to provide even deeper insights into how the Commission thinks and works, and to fine-tune the strategic conduct of anti-trust cases by testing our arguments before meeting with the Commission on important matters. Equally, some of our attorneys come from high-ranking positions in national competition authorities.

Importantly, Bird & Bird is part of a very small group of firms whose lawyers have represented the Legal Service of the Commission before the European Courts in cases covering the whole spectrum of competition law: cartel/antitrust and State aid cases. This provides us with unique in-depth knowledge about how the regulator thinks and acts.

*“The impressive client list demonstrates a high caliber practice that is “efficient” with “very good expertise”*

*Legal 500 EMEA, 2008*

*“Clients appreciate the team’s fresh attitude and simple way of doing things.”*

*Legal 500 EMEA, 2009*

## Providing legal certainty

We strive to understand our client's priorities and to provide advice which marries legal certainty and risk-profile. The competition landscape is constantly evolving and driven not only by a complex legal framework, but also political and economic considerations. Our team is composed of experienced, down-to-earth practitioners and well-connected thought leaders who provide clients with robust advice geared towards achieving solutions, so that commercial strategies can be implemented successfully.

## Strength in intellectual property

We have particular expertise on the interface between competition law and intellectual property. We frequently act on complaints, claims and defences involving the assertion of competition law in an intellectual property context, be it in patents, trade marks, copyright, know-how or other forms of intellectual property.

## Strength in regulated sectors

Ongoing liberalisation in sectors like communications, post, energy and utilities, media, transport, etc., has created new challenges and opportunities for both governments and business. We advise clients in these sectors on competition-related regulatory matters. Many of our competition lawyers are recognised experts in regulated sectors, combining in-depth knowledge of the sector with specialised competition law expertise.

## Pan-European reach

It is estimated that for each investigation carried out at EU level, five cases are investigated by European national competition authorities. Our EU and 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 (Czech Republic, Poland, Hungary, Slovakia) (for contacts see overleaf). This truly multi-jurisdictional presence enables us to act as an international “one stop shop” when the situation requires it, as in the case of multi-jurisdictional merger control filings, parallel leniency applications or antitrust investigations. This also gives the members of our team a broader view of the different cases they are faced with and of policies and actions taken by the national competition authorities in the EU.

# Range of expertise

## Cartels and antitrust investigations

We regularly represent clients in significant anti-trust investigations at EU and national levels. Anti-cartel enforcement is on the increase in Europe. The introduction of the 2006 fining guidelines has resulted in a tremendous increase in fines with record levels of individual fines. Our team assists clients to train relevant employees in order to avoid such practices. Where a breach is found, our experts fight to obtain the lowest sanction possible including advising on the merits of an application under the relevant Leniency programme(s). We have successfully litigated to achieve reductions in fines. We advise many clients not only in the high tech sectors on which our firm is primarily focused, but also in more traditional sectors such as postal services, gas, steel banking and construction to name but a few.

## Litigation

Our expertise in EU litigation is second-to-none. Bird & Bird lawyers have been involved in more than 100 cases before the European Court of First Instance and the European Court of Justice, including several landmark cases, notably in the field of competition law. Members of our Group have represented clients before the Grand Chamber of the European Court of Justice and in the first cases of the newly created European agencies, Eurojust and the Community Plant Variety Office. We are regularly involved in antitrust litigation in national courts and Bird & Bird lawyers have obtained a number of landmark interim measures at EU and national level.



## State aid

We are among the select group of firms that have significant and in-depth knowledge of the application of State aid rules, built up over many years. We have advised and represented all possible participants in State aid investigations, such as complainants, recipients of aid, granting authorities and governments and also the European Commission itself.

## Merger control

We regularly handle merger control filings and submissions, often on a multi-jurisdictional basis. We deal efficiently with EC merger filings either from a single office or, where advantageous for the client, through a cross-border team.

*“They are also capable of adapting when needed to changes from the initial plans, and of organising secondary legal teams in each of the countries within the Bird & Bird footprint quickly and with excellent competence. That is very valuable, especially in complex and multinational proceedings such as the ones we are used to dealing with”*

*Anonymous client about our international group*

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