

Antitrust & Competition





The line between permissible and illegal behaviour is often marked by nothing but a telephone call to us.

Dr Kathrin Westermann





/YOUR CHALLENGES

The guarantee of free and undistorted competition is essential for sustainable economies. This is why cartels and the abuse of market power are strictly prohibited (subject to a few exceptions) in the European Union, Germany and other major industrialised nations. In order to operate within this regulatory framework in compliance with antitrust and competition law and with entrepreneurial success, companies need a sophisticated antitrust and competition law strategy.

This strategy should not only be in place when the German Federal Cartel Office (FCO) or the European Commission intend to impose fines or when victims of antitrust law infringements threaten to claim damages. It should already take effect when agreements with competitors are negotiated or when joint ventures are planned. When setting up distribution and licensing models, such strategy should consider all relevant markets proactively. It should also support the organisation of corporate mergers and investments if the merger control thresholds are met due to the size of the parties.

It is increasingly important to act prudently with respect to antitrust and competition law risks, not least due to the globally increasing activities and ever closer cooperation among competition authorities. Companies may face significant fines, e.g. because mother companies can be held jointly and severally liable for (former) subsidiaries and joint ventures. At the same time, direct or indirect victims of antitrust law infringements are progressively claiming compensation for cartel damages.

In practical terms this means that pre-emptive measures should be taken in order to ensure compliance with antitrust and competition law. Whenever a company is accused of antitrust law infringements, it must initiate promptly the right steps in order to minimise risks and avert damages.

Noerr's Antitrust & Competition Group is available to assist you in resolving antitrust and competition law challenges at national and international level. We advise on complex specific issues as well as on the development and implementation of an overall strategy. Due to our comprehensive experience we are fully aware of the economic conditions, including sector-specific particularities. This enables us to provide practical advice tailored to your requirements.

Our expertise covers, inter alia, the following fields:

Cartel investigations and inspections

- Comprehensive advice and support in the context of cartel investigations, on-site support during unannounced inspections (dawn raids) as well as internal investigations (audits) as fact-finding measures
- Development of an overall strategy and advice on possible leniency applications
- Assistance in settlement proceedings
- Representation of companies and individuals before competition authorities as well as national and European courts

Private enforcement

- Development of a litigation strategy
- Assistance in out-of-court settlement proceedings/ settlements
- Judicial enforcement of and defence against antitrust and competition law related claims, in particular with regard to cartel damage actions, the granting of access to essential infrastructure facilities and for injunctive relief in relation to anticompetitive practices



National and European merger control

- Assessment of global merger filing requirements
- Notification of proposed transactions to the European Commission, the German FCO and other national competition authorities, particularly including Central and Eastern Europe with support from our local offices
- Coordination of multijurisdictional filings

Abuse of a dominant market position

- Defence of companies against the allegation of abusive practices in proceedings before national and European competition authorities
- Enforcement of and defence against civil law claims as well as advice on drafting contracts in compliance with antitrust and competition law requirements

Competition compliance

- Development, implementation and monitoring of competition compliance programmes
- Preparation and implementation of company-specific employee training programmes and workshops (including e-learning)
- Design and review of antitrust guidelines
- Assistance with monitoring measures and internal audits

Horizontal and vertical cooperation

- Advice on joint venture and cooperation agreements, inter alia, between competitors in the areas of research and development (R&D), procurement, production and distribution
- Review and design of competition law compliant distribution, franchise, technology transfer and licence agreements

State aid and subsidies

- Advice and support in the context of state aid proceedings before the European Commission
- Support with applications for subsidies
- Assistance in EU notification proceedings
- Advice on compliance with applicable provisions for investment subsidies
- Assistance in complaint proceedings

You can expect much more from our Antitrust & Competition Group than legal advice. We analyse your challenges thoroughly from a legal and an entrepreneurial perspective and thereby minimise your risk of commercial and (criminal) legal liability – regardless of whether you are responsible for a major or a medium-sized company.

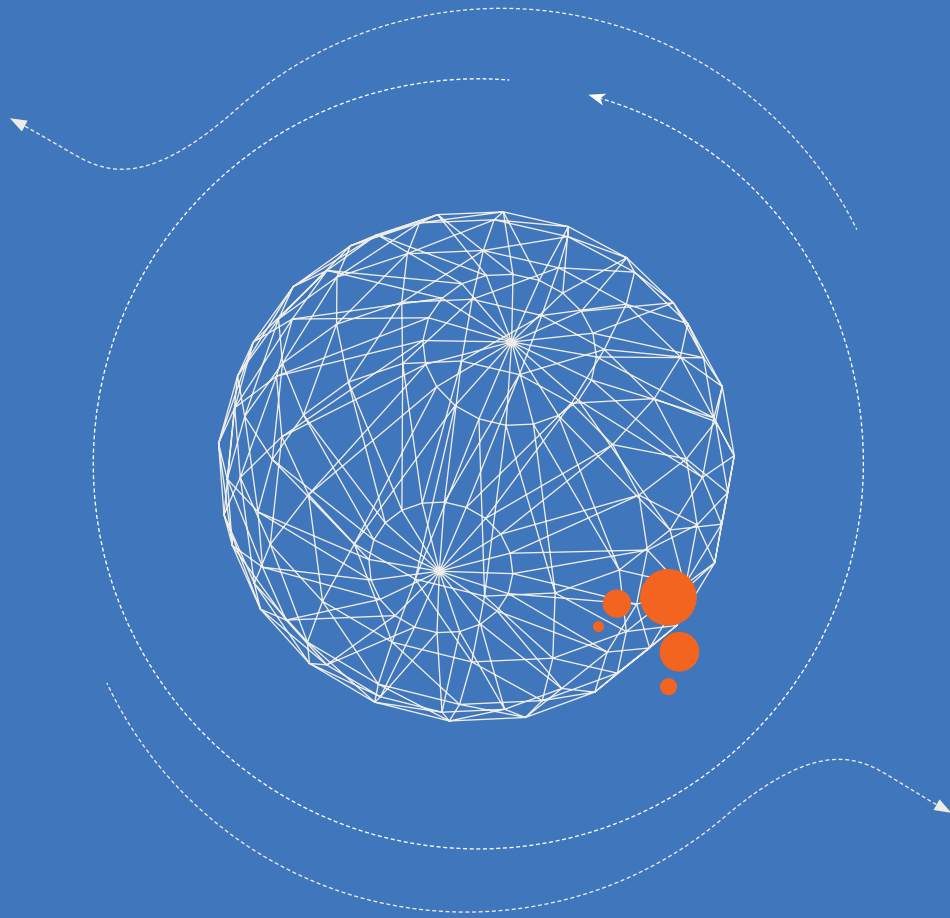
You can always count on the support of our best minds. We will setup a team from our group of more than 30 talented lawyers in order to tailor a solution specifically designed for you. If necessary, this team can be complemented with specialists from other practice groups such as Litigation, Compliance, Corporate, Criminal and Distribution Law.

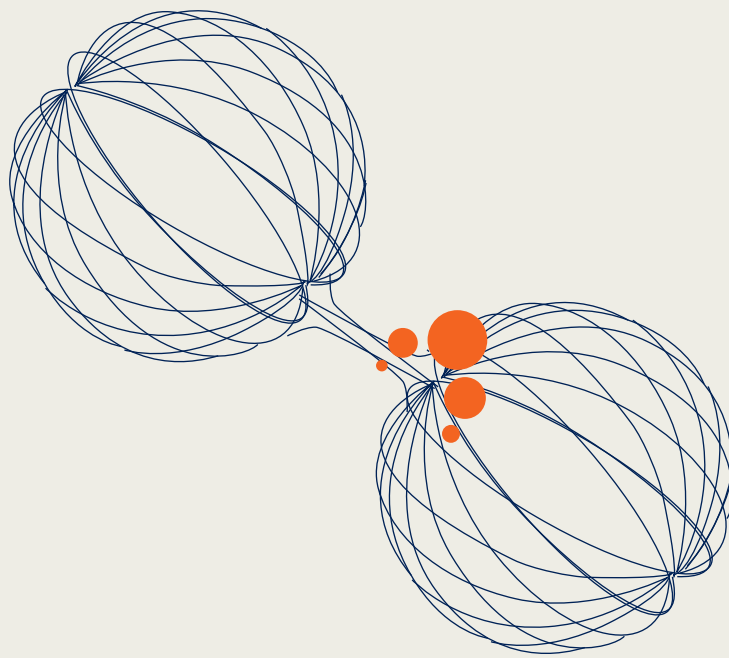
As an independent law firm with direct communication channels, our approach is efficient. Superfluous and excessive internal coordination is not on our agenda.

Our advice is always presented to you in the form of clear and practicable guidance tailored to your specific situation or strategic objectives. In this context, we benefit from the first-hand experience gained through our involvement in a large number of prominent national, European and international antitrust and competition cases.

Moreover, we can support you anywhere: in Germany, Brussels, Central and Eastern Europe and also globally via our international network of partner law firms which are recognised as leading antitrust and competition law practices in their respective jurisdictions. Our office in Brussels is of particular value to you for antitrust and competition law matters: located close to the seat of the European Commission, which is the European competition authority, we are at the cutting-edge of events.







Noerr stands for excellence and an entrepreneurial approach. With highly experienced teams of strong characters, Noerr devises and implements solutions for the most complex and sophisticated legal challenges. United by a set of shared values, the firm's 500+ professionals are driven by one goal: our client's success. Listed groups and multinational companies, large and medium-sized family businesses as well as financial institutions and international investors all call on the firm.

Entrepreneurial thinking

Noerr's advisors make their clients' challenges their own and are always thinking one step ahead. In doing so, they assume responsibility and are at liberty to make their own decisions. The firm is committed to always going the extra mile for its clients and to resolving complex matters with the perfect mix of experience, excellence and sound judgement.

Innovative solutions

In complex and dynamic markets new approaches are regularly required – and delivered by experts who bring both the know-how and the necessary passion. This is precisely what Noerr excels at: implementing integrated and innovative solutions in the most efficient way.

Global reach

As one of the leading European law firms, Noerr is also internationally renowned. With offices in eleven countries and a global network of top-ranked "best friends" law firms, Noerr is able to offer its clients truly cross-border advice.

In addition, Noerr is the exclusive member firm in Germany for Lex Mundi, the world's leading network of independent law firms with in-depth experience in 100+ countries worldwide.

Capacity in Central and Eastern Europe

Noerr has long had its own offices in all major Central and Eastern European capitals. The firm regularly advises on greenfield investments, joint ventures, acquisitions and divestments in Central and Eastern Europe by investors from all over the world. With more than 100 professionals, Noerr is one of the leading law firms in the region.

Noerr Group

Noerr LLP – Noerr Consulting AG – TEAM Treuhand GmbH – NOERR AG Wirtschaftsprüfungsgesellschaft Steuerberatungsgesellschaft

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The best way to avoid a dawn raid is to have effective antitrust compliance in place. But even if you have this, you should still be prepared for dawn raids, which can happen at any time.

Professor Karsten Metzloff



European Law Firm
of the Year and Law Firm
of the Year: Germany



The Lawyer European Awards 2019

European Law Firm
of the Year



British Legal Awards 2018

Law Firm of the Year
for Regulated Industries
and Distribution,
Trade & Logistics



Juve Awards 2018

Law Firm of the Year:
Banking & Finance



Juve Awards 2017

Transatlantic Equity Capital
Markets Team of the Year



Transatlantic Legal Awards 2017

European Law Firm
of the Year



British Legal Awards 2016

/LEGAL AWARDS

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