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**100**

*20th annual edition – revised and updated*

**A GUIDE TO THE WORLD'S LEADING COMPETITION LAW AND ECONOMICS PRACTICES**

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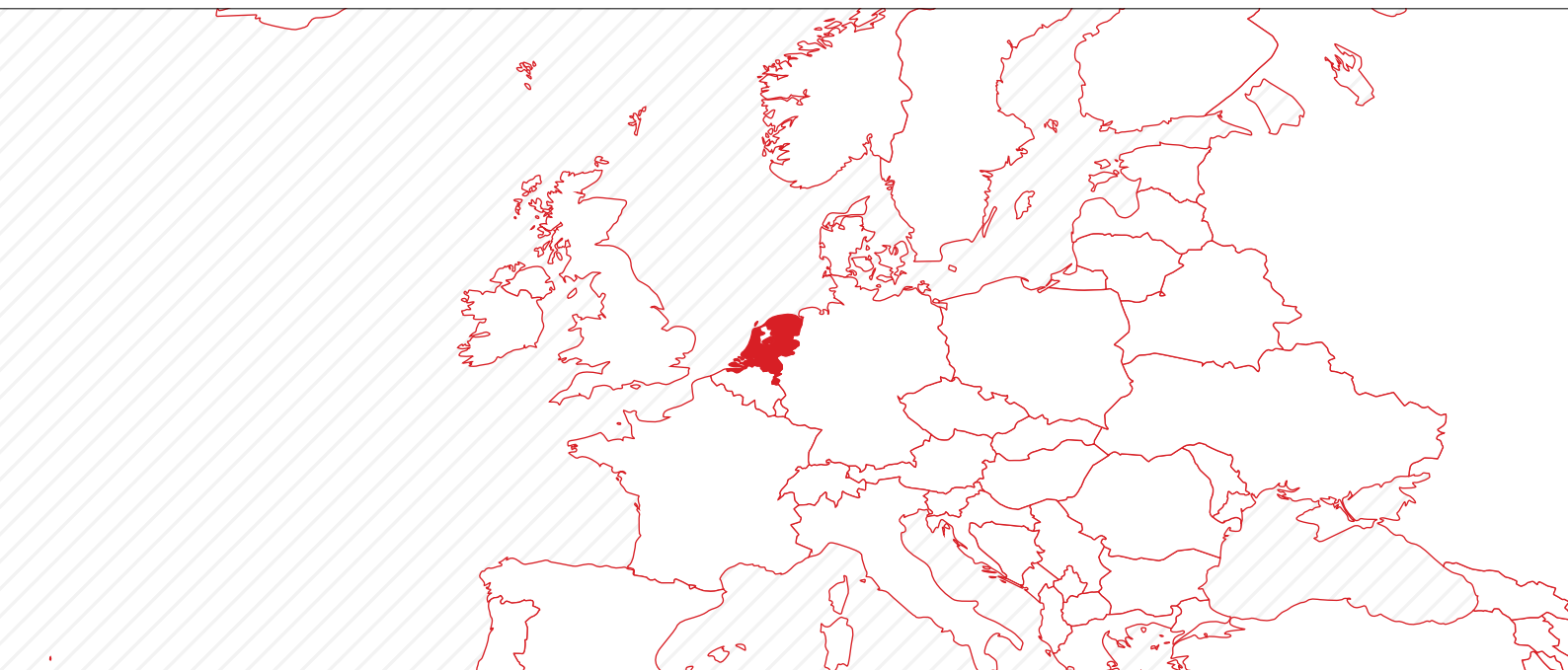
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ISSN: 1369-4561

Printed and distributed by

Encompass Print Solutions

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# Netherlands

A plethora of follow-on damages antitrust claims and frequent appeals against fines issued by the Netherlands' Authority for Consumers and Markets keeps the country's competition bar busy.

## ELITE

Kees Schillemans leads **ALLEN & OVERY's** competition practice in the Netherlands, working alongside partner Yvo de Vries, one counsel and 14 associates. In addition to its status as a global firm, the local practice continues to make strides in the Dutch market.

On the deals side, the firm is advising Anbang Insurance on its purchase of Vivat, which depends on securing approval of the sale of Vivat's non-life insurance activities to NN Group. It also advised RTL Nederland on buying media advertising sales company BrandDeli. PostNL turned to Allen & Overy for competition advice related to the incumbent postal services company's €130 million purchase of its main rival Sandd. In September 2019, the Netherlands' Authority for Consumers and Markets blocked the deal on the basis that Sandd acts as "practically [PostNL's] only national competitor". But PostNL successfully applied for an exemption from the State Secretary for Economic Affairs and Climate Policy; Mona Keijzer conditionally cleared the deal on the grounds that it would help keep postal services affordable for consumers. This marked the first time the nation's economic minister overturned a decision from the competition authority.

On the conduct side, Allen & Overy advised natural gas-based fertiliser company OCI regarding an anti-dumping investigation under way at the European Commission. The firm is also acting for Swedish truck maker Scania following its €880 million fine from the EU, in a matter currently being appealed.

Jolling de Pree heads a strong competition practice at **DE BRAUW BLACKSTONE WESTBROEK**. Partner Martijn Snoep left in 2018 to become head of the national competition authority after 28 years at the firm. Helen Gornall joined the team from AkzoNobel where she was the director of its competition practice. The Dutch office is fully integrated with its Brussels counterpart, where it works alongside its "best friend" firms – an association of Slaughter and May, Bredin Prat, BonelliErede, Hengeler Mueller and Uría Menéndez.

It is advising British Airways and DAF Trucks as defendants in separate follow-on claims. The European Commission accused British Airways of participating in an air cargo cartel that resulted in a fine for 11 airlines totalling €800 million, and DAF of participating in a truck

Firm	Head(s) of competition	Size	No. WWL nominees	Clients
<b>ELITE</b>				
Allen & Overy	Kees Schillemans	2 partners 1 counsel 14 associates	1	Anbang, Booking.com, Indorama, KPN, Leaseplan, OCI, PostNL, Samsung, Sanoma, Scanla
De Brauw Blackstone Westbroek	Jolling de Pree	4 partners 1 counsel 22 associates	2	Philips, AkzoNobel, AholdDelhaize, Rabobank, Schiphol Airport, DAF, DSM, Unilever
Freshfields Bruckhaus Deringer	Onno Brouwer Winfred Knibbeler	2 partners 1 counsel 7 associates	3	ABB Group, AB InBev, Blackstone, Boskalis, Japan Tobacco Inc, NVM/Funda, Talpa Holding, Thai Airways, thyssenkrupp, VodafoneZiggo
Stibbe	Rein Wesseling	5 partners 20 associates	2	British American Tobacco, Credit Suisse, Heineken, KKR, MAN, Mylan, Nederlandse Spoorwegen, NVB, PostNL, Vodafone
<b>RECOMMENDED</b>				
Baker McKenzie	Frank Kroes Christiaan van der Meer	2 partners 4 associates 1 economist	None	Abbott, Accenture, Allianz, ASICS, Biogen, Daimler, Egeria, Ergon, IDEXX, Hitachi, Mitsubishi, Merck, Nordic Capital, Safran, Schneider Electric, Shell, Stryker, Unilever
BarentsKrans	Joost Fanoy	3 partners 5 associates	None	Exterion Media, Claim Funding, Europe, IBM, Macedonian Thrace Brewery, BCD Travel, Finco Fuel, Dura Vermeer, BMW, Dell
Clifford Chance	N/A	N/A	None	N/A
CMS Netherlands	Edmon Oude Elferink	2 partners 4 senior associates	None	GE Healthcare, Eli Lilly, Vattenfall, All Nippon Airways, Port of Rotterdam, Koninklijke Volker Wessels, Pon Holdings, VION, Ministry of Economic Affairs, BIOS Personenvervoer
Houthoff	Weyer VerLoren van Themaat	N/A	2	LG Electronics, Singapore Airlines, Cargolux, VBO, Amsterdam University Medical Centers, Sligro, Tesla, Dutch Ministry of Finance, SHV Energy, Imperial Tobacco
Maverick Advocaten	Martijn van de Hel Diederik Schrijvershof	2 partners 6 associates	None	Colt, Dental Clinics, FOX Networks Group, The Netherlands Bar Association, Prijsvrij, Scotch & Soda, Universitair Medisch Centrum Groningen, Ursapharm, Vola, Aegon, Bayer, British Airways, Adyen, Tony Chocolonely, Erasmus, OLVG
Stek	Berend Reuder Ruben Elkerbout	2 partners 4 associates	1	Simpel, Corendon, Samsung SDI

manufacturing conspiracy that resulted in a €2.93 billion fine for 11 companies. De Brauw negotiated a settlement on behalf of Philips related to European Commission claims of a conspiracy to restrict the ability of online retailers to set their own prices for consumer electronics prices. It is also acting for a Dutch bank related to an EU investigation in the financial technology market.

Deal work includes advising online food delivery company Takeaway.com on its purchase of DeliveryHero's German food activities. The firm acted for Vopak on its acquisition of a 29% stake in Elengy Terminal Pakistan from Engro. De Brauw also handles matters related to state aid, including an investigation being conducted by the European Commission.

Onno Brouwer and Winfred Knibbeler lead **FRESHFIELDS BRUCKHAUS DERINGER's** competition practice, which the experienced duo established in 2000. They are joined by seven associates and one counsel who handle both EU and Dutch-specific competition matters. The firm benefits from its vast global network that has some big-name clients on its roster, including thyssenkrupp, VodafoneZiggo and Anheuser-Busch InBev.

Freshfields acted for Blackstone on its purchase of a controlling stake in Thomson Reuters' Financial & Risk business. Japan Tobacco turned to the firm for help in obtaining approval on its purchase of Donskoy Tabak, Russia's fourth-largest tobacco supplier. The firm is also representing Japan Tobacco in several behavioural matters in Spain,

France and the Benelux. On behalf of Slovakian private health insurer Dôvera, the firm successfully challenged before the EU General Court state aid that the Slovak Republic distributed to rival insurance companies. The matter is on appeal before the European Court of Justice.

Freshfields is defending thyssenkrupp in several follow-on damages claims relating to *Escalators* and *Elevators*. From the District Court of Midden-Nederland, the team secured the dismissal of claims brought by East West Debt BV in a matter now being appealed in the court of Rotterdam. The firm represents VodafoneZiggo in proceedings started by the Netherlands' Authority for Consumers and Markets seeking to force the telecommunications company to offer network access to competitors.

**STIBBE**'s team has built on its reputation for follow-on damages work. Practice head Rein Wesseling particularly focuses on litigation and merger control matters, and partner Christof Swaak on multi-jurisdictional cartel cases and follow-on damages litigation. The remainder of the team includes three more partners – Jeroen Kortmann, Matthijs Kuijpers and Floris ten Have – and 20 associates. They work closely with their Brussels colleagues.

The firm is representing Nederlandse Spoorwegen in an abuse of dominance case brought by the Authority for Consumers and Markets, which fined the Dutch railway operator €41 million over a public transportation tender for the “main railway network”. The District Court of Rotterdam overturned the fine. Credit Suisse turned to Stibbe with respect to an investigation of the foreign currency exchange markets being conducted by the European Commission. The enforcer fined five banks, but Credit Suisse is fighting the charges and no fine has yet been levied against it. Stibbe is also representing the bank as the commission probes the sovereigns, supranationals and agencies bond markets, a matter in which the enforcer held oral hearings in July 2019.

The team is advising KKR on its purchase of Exact Software from Apax Partners. It is acting for Mylan Pharmaceutical related to its merger with Pfizer's off-patent branded and generic established medicines business. In another generic pharma deal, Stibbe advised Aurobindo on its purchase of Apotex's business in the Netherlands. The national competition authority approved the deal subject to a divestiture. The team also acted for PostNL on its merger with Sandd, which the ACM blocked due to competition concerns, but the Dutch government ultimately approved on public interest grounds.

## RECOMMENDED

Christiaan van der Meer and counsel Frank Kroes lead **BAKER MCKENZIE**'s competition practice in the Netherlands. The firm promoted van der Meer to the partnership in July. The team, which also counts four associates and one economist, coordinates closely with the firm's European and global antitrust practices. Nearly all of the firm's work remains confidential. In past years, the Amsterdam team acted for Eastman Chemicals as plaintiff counsel in injunctive relief proceedings in a stand-alone abuse of dominance claim against a key supplier that terminated their supply relationship.

Joost Fanoy heads the team at **BARENTSKRANS**, which is known for its domestic and international cartel damages litigation work. Fanoy is assisted by partner Martijn van Maanen and senior associate Jan-Willem de Jong, who joined the team in 2018 from Houthoff. The firm has advised claimants in almost all the major ongoing cartel damages cases, including *Air Cargo*, *Sodium Chlorate*, *Trucks* and *Elevators*. BarentsKrans is acting for Macedonian Thrace Brewery in its follow-on litigation against Heineken and Greek subsidiary Athenian Brewery. MTB is appealing against a ruling that the District Court of Amsterdam lacks jurisdiction over the Greek brewer. The firm is advising construction company Dura Vermeer on its purchase of joint control of infrastructure-focused company Leeuwenstein Groep. The firm also acted for real estate company MCGM on its purchase of Jones Lang LaSalle's property management business.

The team at **CMS NETHERLANDS** is headed up by Edmon Oude Elferink, who is based in Brussels, but spends on average two days a week in Amsterdam and Utrecht. Elferink works with fellow partner Robert Bosman and four senior associates. In merger control, the team assisted energy company Vattenfall on its purchase of DELTA Energie, and car importer Pon in its acquisition of joint control in the

auto repair company RECO Autoschade Groep. The firm is defending Japanese airline All Nippon Airways against follow-on damages claims related to the air cargo cartel. It is also advising a client with respect to the follow-on truck cartel claims. In the realm of state aid, the firm is advising a major Dutch rail construction company and a Fortune 100 company.

**MAVERICK ADVOCATEN** is led by partners Diederik Schrijvershof and Martijn van de Hel, backed by six associates. Partner Bas Braeken left the firm for bureau Brandeis in July 2019. The team obtained from the Court of Rotterdam the annulment of a fine on its client H&S, imposed by the ACM for alleged violation of Dutch competition law. It also had an ACM fine wiped out for battery maker Midac. It is guiding the tie-up of two elder-care providers – Stichting Omring and Stichting Vrijwaard – through merger control proceedings before both the Dutch Healthcare Authority and the ACM. The firm also seeks approval of two hospital mergers, *Erasmus MC/IJsselland* and *OLVG/MC Slotervaart*, from the same agencies.

**STEK** is a full-service firm that takes pride in its competition litigation work. Berend Reuder joined the partnership in 2018 from Houthoff, and advises clients in the healthcare and technology sectors. He works alongside fellow partner Ruben Elkerbout. The firm advised the largest independent mobile virtual network operator, Simpel, related to T-Mobile's acquisition of Tele2 NL, which the European Commission cleared unconditionally following a Phase II investigation. The team advised Corendon on the sale of its tour operating and Dutch airline activities to Triton Partners, the owner of tour operator Sunweb. Stek is now acting for Samsung SDI in follow-on *Cathode Ray Tube* claims, a defence the firm took over in 2019.