BCLP. Client Intelligent

BRUSSELS

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Competition law remains high on the corporate agenda, emphasised by the ongoing global crack-down on cartels, investigations into the digital economy and the proliferation of merger control regimes worldwide. At BCLP, we understand these priorities, and take a proactive approach to addressing our clients' competition and regulatory compliance needs.

Having been named as "one of the world's leading competition practices" by Global Competition Review, BCLP's Brussels office continues to provide cutting-edge advice in complex, strategically important cross-border competition matters, ranging from high-value international merger control cases to guiding multinational corporations through behavioural cases and investigations.

Our Brussels office also advises on public affairs and communications strategies relevant to the EU and other regulators worldwide that can significantly enhance and add value to our core legal advice in Brussels and beyond. We have built strong and deep relations with EU and national competition authorities through our cases and public policy work, with members of our team having served as advisors to national and international competition bodies across Europe, Asia, Africa and the Americas.

REPRESENTATIVE EXPERIENCE

- Global recording artist - Advising the Estate of a global recording artist in connection with the sale of its interest in a music publishing joint venture.
- One stop shop - Advising a major manufacturing outsourcing company on the global merger control aspects of its $1 billion transaction, providing a "one stop shop" global merger control service including the review of over 30 jurisdictions worldwide.
- Global electronics company - Advising a global electronics company on the international antitrust aspects of a major supply and cooperation agreement with a third-party with a history of cartel

involvement.

- Global merger control - Advising a downstream energy client on the global merger control aspects of its sale to a competitor.
- Target investment companies - Advising a US-based hedge fund on various antitrust investigations of target investment companies around the world and in various sectors including telecoms, retail, energy and FMCG.
- Japanese manufacturing company - Advising a Japan-based manufacturing company on EU antitrust rules applicable to their distribution agreements, sales contracts and compliance programmes.
- US private equity firm - Advising a US-based private equity firm on numerous portfolio company purchases and disposals including securing unconditional merger clearances across Europe in every matter.
- Global FMCG company - Advising a global FMCG company on a range of antitrust issues relating to its supply chain in Spain.
- Global scientific equipment company - Advising a US-based global scientific equipment company on its role as an important third-party in connection with the merger of two competitors, including representing the company before the European Commission throughout the investigation.
- African LNG project - Advising a global oil and gas company on the international competition aspects of the development and commercialisation of a major African LNG project, including advising the client and other concessionaires in relation to competition laws and regulations in Africa, Asia, Europe and South America.

RECOGNITION

We are proud of our testimonials from clients and in Chambers and Legal 500, as they reflect our skill, commercial value and understanding of client needs.

Legal 500 EMEA

- ‘Very experienced and practical’, BCLP’s team is ‘knowledgeable about the law and the workings of the competition authorities’.
- Office head David Anderson is ‘an excellent strategist’; he advised the estate of Michael Jackson on the $750m sale of its interest in the Sony/ATV joint venture to Sony Music.

- Recommended for its ‘business acumen, responsiveness and value for money’. The firm is also praised for its experience dealing with competition authorities in Africa, Asia and the Americas, as well as in the EU.

Chambers Europe

- “The team’s service is exceptional and they look at things practically”
- Clients say the team is "commercial, sensible, pragmatic and picks up the nuances of a deal very quickly."
- Others praise the firm's ability to handle cross-border mandates, adding: "The [BCLP] team is extremely knowledgeable, helpful and provides immediate feedback."

Chambers Global

- Head of the Brussels office, Dave Anderson is described as, "Very thorough and plugged in, client-oriented and a good communicator who gets to the point very quickly," according to clients, who also appreciate his ability to "translate EU expectations into US expectations."
- "Head of the Brussels office David Anderson is valued by clients for his availability and client rapport…Clients note: ‘His service is top-notch. He understands the relationship, our business and gives us a high level of service’."
- "Acclaimed firm acting principally on mergers in a range of sectors, with particular expertise in telecoms, investment funds and energy. Offers a multi-jurisdictional team through close ties with the firm's London office. Attracted new clients across several sectors recently, including companies within telecoms, investment management and chemicals."
- Clients say the team "really try to understand what we want," adding that "they don't come back with something theoretical - they apply it to business constraints and work culture."
- The strong "expertise and depth of the practice" is remarked upon by clients, with one stating: "They are very strong - not just the partners but at the associate level as well, they are very easy to deal with."

CLIENT QUOTES

- “BCLP’s Competition team did an excellent job securing the full clearance of this very important deal…The BCLP team steered us expertly through this challenging and complex CMA process…we could not have been in safer hands.” - European Sports & Entertainment Company

- “Excellent advice…BCLP’s Competition team provides practical, high-quality legal advice and delivers great service. They’ve demonstrated a strong commitment to serving us.” - Europe-based Global FMCG Company
- “The BCLP team brought just the right mix of practicality and creativity, and their partnership was invaluable in helping us to navigate this highly complex process and bring it to a successful conclusion.” - US-based Global Energy Services Company
- "Excellent and insightful legal advice across an array of topics" - US-based Financial Services client
- “BCLP is our go-to firm for all EU clearances/anti-trust advice.” - US-based Global Private Equity Company
- “Excellent, reliable and always responsive work.” - US-based Technology client

COMMUNITY

Our Brussels office has carried out pro bono work for the United Nations since 2007 serving developing countries and their competition and consumer protection agencies. They also work with FedAsil - the Belgian federal agency supporting refugees – by organizing donation drives and activities, supporting a shelter that serves unaccompanied minors and also a school for displaced Ukrainian children.

MEET THE TEAM

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Foreign Direct Investment: key recent and future developments in Europe and the US

At a time of significant geopolitical challenges, many jurisdictions are looking at their investment screening regimes to ensure that they can adequately safeguard national security and public order. Within this context, there have been – or will likely soon be – significant changes to FDI regimes across the world. In this article, BCLP's experts in Brussels, Hamburg, London, Paris and Washington DC explore current or forthcoming amendments to the FDI regimes in France, Germany, the United Kingdom, the United States and the European Union.

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BCLP article nominated for 2024 antitrust writing awards

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The Year Ahead For M&A Regulation In Brussels

2024 is shaping up to be a year of significant change in Brussels. European Parliamentary elections in June will be followed by the appointment of a new Commission in the autumn. After two terms and 10 years at the helm of EU competition policy (which is unprecedented in recent times), Margrethe Vestager is likely to move on from her post as the bloc's top antitrust enforcer – and her replacement will likely bring a new enforcement agenda. This article explores the top current trends and developments affecting M&A regulation in Europe, focusing on the continued targeting of "below threshold" deals via Article 22 of the EU Merger Regulation ("EUMR"), the rise of the new ecosystems theory of harm, the role of the Foreign Direct Investment ("FDI") and Foreign Subsidies Regulation ("FSR") screening regimes and sustainability as a factor in the substantive assessment of mergers – all set against the backdrop of the incomin…

Insights
Jul 13, 2023

The EU's Foreign Subsidies Regulation Goes Live as the European Commission Finalises the Notification Requirements for Businesses

The EU's Foreign Subsidies Regulation (FSR) entered into force on 12 July 2023. Its M&A and public procurement notification regimes will go live on 12 October 2023. On 10 July 2023, the European Commission (Commission) adopted its final version of the FSR's Implementing Regulation alongside the template notification forms. This gives further information on how the FSR regime works in practice, and specifies the information that must be included for mandatory M&A and public procurement notifications. We have written previously about the FSR regime at the beginning of 2023. This article looks at the new FSR regime, and what this means in practice for those doing business within the EU.

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The year ahead in Brussels – the European Commission's expanding scrutiny of M&A

As we enter 2023, the European Commission is redoubling its efforts to scrutinise transactions on a variety of bases. The focus has been on the digital sector for some time, but the impact of the Commission's expanding toolkit for tackling perceived harms to the internal market can be felt across many parts of the economy. In this article, we explore the current trends in the Commission's regulatory activities in the M&A space - touching on merger control, foreign direct investment, the Foreign Subsidies Regulation, the Digital Markets Act, market definition and whistleblowing - to highlight the breadth of issues that dealmakers should keep in mind to ensure they don't fall foul of Brussels' ever-expanding rulebook.

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