

ANTITRUST

OVERVIEW

Our leading Antitrust & Competition practice includes over 75 dedicated lawyers located in 15 offices across the US, UK, Belgium, France and Germany. Our significant global coverage is combined with intimate local knowledge of markets and regulatory regimes. Whether your issue is international or domestic, we will provide the strategic insight necessary to help you manage antitrust and competition law risk and at the same time achieve your commercial objectives. Our team provides commercially-focused, full-service competition and regulatory support to clients, ranging from compliance policies and training to cartel investigations and merger control. The experience of our team is substantive and diverse – in private practice, in industry, at regulators, in economics and in law. We are well-equipped to offer innovative, efficient and effective solutions. We are continually recognised for our work, and Global Competition Review has named us “one of the world’s leading competition practices”.

COUNSELLING AND COMPLIANCE

In addition to working with clients dealing with significant domestic and international cartel investigations, we act as trusted advisors to clients on the full spectrum of antitrust issues, including assessments of supply and distribution arrangements and other vertical agreements, horizontal cooperation agreements and monopolization/abuse of dominance questions. Given the importance of compliance, we help companies devise and implement policies by understanding the risks facing their businesses.

When there are concerns about conduct, we work with clients to undertake the necessary internal investigations, focussing on identifying and mitigating risk. We also have extensive experience helping clients with queries relating to State aid and public procurement. With years of experience advising clients across regulated sectors, we bring a strategic approach to achieving a successful outcome, and our strength and depth across multiple industries provides clients with exceptional insight into the common themes and challenges facing regulated businesses.

MERGER CONTROL

We help our clients minimise the cost and burden of complying with the multiple systems of merger control that now exist worldwide, and help clients obtain clearance in those jurisdictions where

notification is required, in the shortest time and in an efficient and co-ordinated manner. Members of our team have successfully advised on many high profile and complex transactions, including obtaining HSR clearance from the US competition authorities and responding to second requests, as well as Phase II investigations by the European Commission and UK Competition and Markets Authority. Our strong relationships with the US, EU, UK and other competition authorities enable us to navigate the merger control process smoothly, from briefing papers and pre-notification meetings to notifications, oral hearings and, where necessary, negotiated modifications and remedies. We are able rapidly to assess whether and where your transaction may need to be disclosed, and we advise you as to regulatory risk to allow for well-informed decisions that affect the future of your business.

COMPETITION LITIGATION

In the past decade, our award-winning team has been at the forefront of advising clients in disputes concerning alleged anti-competitive conduct, including bringing and defending damages actions and defending class action suits (involving allegations of unlawful agreements, monopolization, and abuse of dominance). Globally, we have acted in many key competition litigation cases. Unlike many practices, we represent a wide range of clients, including both defendants and claimants/plaintiffs. Using our comprehensive knowledge and experience from different standpoints, we stay one step ahead in formulating successful strategies.

THIRD-PARTY CONFIDENTIALITY

Given the current climate of increased antitrust enforcement, a business of any size is likely to receive a third-party subpoena in an agency enforcement investigation, such as those conducted by the Federal Trade Commission (FTC) or the Department of Justice (DOJ). When a business receives a third-party subpoena for documents, the first concern is always responding to the subpoena. But that is only the beginning. Once compliance is finished, the main concerns are: who will see my documents? How can I prevent other parties—who may be my closest competitors—from seeing my documents? And how can I protect my confidential documents in a cost-effective way? BCLP has extensive experience responding to third-party subpoenas efficiently and cost-effectively. In particular, we can advise you on:

- What level of confidentiality to choose in a protective order?
- Will you be successful in adding further layers of confidentiality?
- How can you limit the access of parties' employees to your documents?
- Will you be able to limit outside counsel's access to your documents?

- Is complete inaccessibility by parties' employees to your documents achievable?
- How to make sure you know who exactly will see your documents?
- Will you know if the government wants to use your documents outside of the current lawsuit?
- How can you obtain notice from the parties if your documents are being used publicly?
- What will happen to your documents at the end of a lawsuit?

If you have any questions about third-party subpoenas or would like to receive training/guidance on this topic, please contact [David B. Schwartz](#), [Ashley Kim](#) or your usual BCLP contact.

MEET THE TEAM



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Mark Meador's Confirmation Unlikely to Lead to Major Changes at the FTC

On Thursday, April 10, the U.S. Senate voted to confirm Mark Meador as a Commissioner of the FTC. Previously, it was expected that Meador's confirmation would lead to significant changes at the FTC, as his presence on the Commission would give Republicans a 3-2 majority. In light of President Trump's firing of the two Democratic Commissioners earlier this year, however, Mr. Meador's presence is less likely to lead to significant changes. However, as Mr. Meador will be the only Commissioner who previously worked at the FTC, in the Health Care Division, it is likely that he will bring additional experience to the Commission. Clients should expect Commissioner Mr. Meador to likely support the continued use of both price and non-price aspects to plead harm to competition, as well as an increased focus on health care. And Mr. Meador is expected to support ongoing efforts by Chairman Andrew Ferguson to gather...

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Blog Post

Mar 21, 2025

Embrace Tradition, Reject Modernity? Recent FTC and DOJ Deal Challenges Show Preference for Traditional Antitrust Theories of Harm

Both the Federal Trade Commission (FTC) and Department of Justice (DOJ) Antitrust Division have now brought cases challenging deals under President Trump's administration. In many respects, the theories of harm alleged in these cases are traditional and not necessarily reflective of the "new theories" under the 2023 Merger Guidelines. Additionally, in both cases, the DOJ and FTC show a continued focus on both price and non-price aspects of competition, especially those related to innovation.

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Part 4, Procurement Act 2023: implied terms, contract performance and transparency

An Insight, first published in PLC, on Part 4 of the Procurement Act 2023, in particular the new contract management requirements for public contracts and the increased focus on supplier performance and transparency.