

Financial institutions
Energy
Infrastructure, mining and commodities
Transport
Technology and innovation
Life sciences and healthcare

 **NORTON ROSE FULBRIGHT**

Global antitrust and competition



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Norton Rose Fulbright’s antitrust and competition practice assists our clients as they navigate the evolving and increasingly complex global and cross-border regulatory, compliance and government enforcement environment.

Global businesses and their senior executives face significant domestic and cross-border antitrust and competition issues arising out of merger activity, relationships with third parties, compliance, investigations, regulatory enforcement, criminal proceedings and civil litigation.

Our team of experienced antitrust and competition lawyers across the world provides a global service and something extra: ‘connectivity’. We are inter-connected across jurisdictions, across industry sectors, and across regulatory fronts, enabling our teams to advise clients on managing antitrust and competition risk, including multi-jurisdictional investigations and compliance matters, wherever they arise.

Our antitrust and competition lawyers offer to clients a one-stop legal service in relation to merger filings and clearances, national and cross-border regulatory and criminal investigations into anti-competitive practices including cartel activity, and civil litigation including class and group actions. Our global approach informs our design of effective antitrust and compliance protocols for global businesses. Our experience extends from jurisdictions with an extensive antitrust and competition regulatory and enforcement framework, such as in North America, Europe and Australia, to more recent regulatory jurisdictions in Asia, Africa (including the Common Market for Eastern and Southern Africa) and Latin America.

We offer our clients a significant understanding of the underlying policies which shape the regulators’ approach and of the sensitivities of dealing with antitrust and competition authorities. 10 per cent of our lawyers have worked within the world’s leading antitrust and competition regulators, including the UK Competition and Markets Authority, the European Commission, the US Department of Justice and the US Federal Trade Commission.

Global platform	Key industry sectors	Areas of advice	Antitrust and competition lawyers
Europe	Financial institutions	Cartels and investigations	150+
United States	Energy	Class actions	
Canada	Infrastructure, mining and commodities	Compliance and risk management	Antitrust and competition partners
Latin America	Transport	Criminal investigations – anti-competitive conduct	
Asia	Life sciences and healthcare	Disputes and litigation	55+
Australia	Technology and innovation	Distribution and agency	
Africa		Economic regulation – deregulation, licensing, network access, price control	Top 15 Global Elite
Middle East		International trade law	
Central Asia		IP and technology agreements and permits – antitrust compliance	Global Competition Review Elite 2018
		Joint ventures	
		Market investigations and studies	
		Merger control	
		Pricing strategies	
		Public procurement	
		State aid	

M&A, joint ventures and strategic alliances

Across the world, we help to get your transaction cleared, navigating merger control procedures and supplying you with clear advice on filing and notification obligations, timing and process in multiple jurisdictions; with a coherent, consistent strategy for making your case; and with representation in dealings with authorities, obtaining clearances and negotiating remedies.

Investigations

Antitrust and competition authorities have extensive powers to investigate businesses and markets where they are concerned about alleged cartels, anti-competitive practices or poorly functioning markets. The outcome is often key to a company's business prospects. We help you to assess the risk, make your case, develop your strategy and manage the process.

Compliance and risk management

Non-compliance with competition law can result in large, and increasing, fines; exposure to damages claims; personal criminal liability in many jurisdictions (including the US, Canada and the UK); illegality of business models and practices; and unenforceability of key contracts. We offer effective strategies to improve compliance and reduce risk across your business.

Disputes and litigation

A growing number of antitrust issues are the subject of litigation, including damages claims and class actions. We help you to steer your way through the litigation process – often across multiple jurisdictions – to make your case, safeguard your procedural rights, develop your strategy and tactics and defend your interests.

Protecting your business from anti-competitive practices

When suppliers or rivals adopt anti-competitive practices, we help you to enforce your rights and obtain redress.

Track record

Financial institutions

We are acting for a large financial institution in relation to the European Commission's ongoing competition investigation of alleged manipulation of EURIBOR (Euro Interbank Offered Rates).

We advised Barclays Bank Plc on the £2.2 billion divestment of Barclays Africa which involved complex regulatory issues in the UK, South Africa and eight other African jurisdictions. We assisted in the drafting of the relevant agreements, negotiations with Barclays Africa, advising on regulatory and licensing matters as well as strategic considerations for which we drew on our extensive experience and knowledge of the banking industry in South Africa and Africa generally.

We advised a major Australian financial services client in their response to an ACCC cartel investigation occurring in Singapore and Australia in connection with the manipulation of foreign exchange benchmarks in a foreign exchange market estimated to turn over US\$5.3 trillion a day.

Energy

We advised BP on competition and merger control issues in relation to the acquisition from Rosneft of a stake in Russian Company Taas-Yuryakh Neftegazodobycha, creating a new upstream oil and gas joint venture in East Siberia. The transaction was notified to the competition authorities in Germany, China, Korea and Russia. This deal is notable as it was one of the largest announced M&A deals in Russia in recent years.

We defended an energy company in multi-district litigation class actions over allegations about natural gas market manipulation in California.

We are advising SONI Limited, the electricity transmissions system operator for Northern Ireland, on its appeal to the CMA against a decision of the Northern Ireland Authority for Utility Regulation in respect of SONI's 2015-2020 price control.

Infrastructure, mining and commodities

We advised SNC-Lavalin, a global engineering, construction and design provider in its acquisitions of Kentz plc and WS Atkins plc, two listed UK engineering and design companies, securing clearance in five jurisdictions across three continents, including Africa.

We represented GCC America in a \$300 million acquisition of assets from CEMEX, S.A.B. de C.V. The assets acquired by GCC included Cemex's cement plant in Odessa, Texas, two cement terminals, and Cemex's building materials business in El Paso, Texas and Las Cruces, New Mexico.

We are assisting with the notification of the acquisition by a consortium comprised of Louis Dreyfus Company Africa (Pty) Ltd, DH Brothers Industries t/a Willowton and Il Molino CC of the acquisition of four South African maize and wheat milling businesses with the aim to create the largest black owned miller in South Africa.

We advised Rhodes Food Group in South Africa on the acquisition of Pakco, a canned food producer. The Pakco transaction required intensive negotiations with the SACC and an application to the Competition Tribunal regarding an employment condition which resulted in significant savings for Rhodes.

Transport

We are representing Japan-based companies in Australia, Asia, Canada and the EU in a global cartel and bid rigging investigation on the supply and sale of motor vehicle components, including preparing and negotiating leniency applications and defending follow-on class actions.

We are advising Delta Air Lines on a variety of matters including the European Commission and global reviews of various transactions and investigations including current proposals involving Delta/China Eastern taking 10 per cent stakes in Air France-KLM.

We advised Bombardier in relation to C\$1.5 billion sale of 30 per cent of the Bombardier Transportation business to CDPQ including obtaining clearance in seven jurisdictions.

Life sciences and healthcare

We advised GlaxoSmithKline in obtaining all necessary competition approvals in Australia as part of a complex global US\$33 billion deal involving an innovative tripartite asset swap and related joint venture between GSK and Novartis.

We represented Reckitt Benckiser in its cross-border acquisition of KY brand from Johnson and Johnson including the merger control filings in the US, Latin America, Europe and Asia Pacific.

We advised Life Technologies Corporation on merger control issues in Australia, Asia, Canada, the EU and South Africa arising from the US\$13.6 billion acquisition by Thermo Fisher Scientific.

Technology and innovation

Our London team is advising a FTSE 100 company in respect of follow-on damages claims for cartel conduct arising from the smart chip cartel decision by the European Commission.

We advised Carlsberg on the outsourcing of its secondary logistics business to DHL in the UK (one of only two other major suppliers of drinks logistics services in the UK). This was a significant deal for Carlsberg and is part of a company-wide transformation programme.

We advised Smartone on its proposed acquisition of Hong Kong telecommunications operator Wharf T&T. This transaction is notable as it was one of the first transactions to be reviewed by Hong Kong's Communications Authority since the enactment of the Competition Ordinance in December 2015.

We advised Gemalto on merger control issues in Brazil and Colombia arising from the acquisition of 3M Company's Identity Management Business.

Global resources

Norton Rose Fulbright is a global law firm. We provide the world’s preeminent corporations and financial institutions with a full business law service. We employ 4000 lawyers and other legal staff based in more than 50 cities across Europe, the United States, Canada, Latin America, Asia, Australia, the Middle East and Africa.



Our office locations

People worldwide >7000	Europe Amsterdam Athens Brussels Frankfurt Hamburg Istanbul London Luxembourg United States Austin Dallas Denver Houston Los Angeles Minneapolis Canada Calgary Montréal Ottawa	Middle East Bahrain Dubai Riyadh ² Africa Bujumbura ³ Cape Town Casablanca Dar es Salaam Durban Harare ³ Johannesburg Kampala ³ Nairobi ³
Legal staff worldwide >4000	Latin America Bogotá Caracas Mexico City Rio de Janeiro São Paulo Asia Pacific Bangkok Beijing Brisbane Canberra Hong Kong Jakarta ¹ Melbourne Port Moresby (Papua New Guinea) Perth Shanghai Singapore Sydney Tokyo	
Offices 58		
Key industry strengths Financial institutions Energy Infrastructure, mining and commodities Transport Technology and innovation Life sciences and healthcare		

1 TNB & Partners in association with Norton Rose Fulbright Australia
2 Mohammed Al-Ghamdi Law Firm in association with Norton Rose Fulbright US LLP
3 Alliances

Norton Rose Fulbright

Norton Rose Fulbright is a global law firm. We provide the world's preeminent corporations and financial institutions with a full business law service. We have more than 4000 lawyers and other legal staff based in more than 50 cities across Europe, the United States, Canada, Latin America, Asia, Australia, the Middle East and Africa.

Recognized for our industry focus, we are strong across all the key industry sectors: financial institutions; energy; infrastructure, mining and commodities; transport; technology and innovation; and life sciences and healthcare. Through our global risk advisory group, we leverage our industry experience with our knowledge of legal, regulatory, compliance and governance issues to provide our clients with practical solutions to the legal and regulatory risks facing their businesses.

Wherever we are, we operate in accordance with our global business principles of quality, unity and integrity. We aim to provide the highest possible standard of legal service in each of our offices and to maintain that level of quality at every point of contact.

Norton Rose Fulbright Verein, a Swiss verein, helps coordinate the activities of Norton Rose Fulbright members but does not itself provide legal services to clients. Norton Rose Fulbright has offices in more than 50 cities worldwide, including London, Houston, New York, Toronto, Mexico City, Hong Kong, Sydney and Johannesburg. For more information, see nortonrosefulbright.com/legal-notices.

The purpose of this communication is to provide information as to developments in the law. It does not contain a full analysis of the law nor does it constitute an opinion of any Norton Rose Fulbright entity on the points of law discussed. You must take specific legal advice on any particular matter which concerns you. If you require any advice or further information, please speak to your usual contact at Norton Rose Fulbright.

Antitrust and competition contacts

Global/Europe

Peter Scott

Global head of antitrust and competition

Tel +44 20 7444 3834

peter.scott@nortonrosefulbright.com

United States

Robin Adelstein

Head of antitrust and competition – US

Tel +1 212 318 3108

robin.adelstein@nortonrosefulbright.com

Canada

Kevin Ackhurst

Head of antitrust and competition – Canada

Tel +1 416 216 3993

kevin.ackhurst@nortonrosefulbright.com

Latin America

Luis Ernesto Andueza

Head of antitrust and competition – Latin America

Tel +58 212 276 0007

luis.andueza@nortonrosefulbright.com

Asia

Marc Waha

Head of antitrust and competition – Asia

Tel +852 3405 2508

marc.waha@nortonrosefulbright.com

Australia

Nick McHugh

Head of antitrust and competition – Australia

Tel +61 2 9330 8028

nick.mchugh@nortonrosefulbright.com

South Africa

Marianne Wagener

Head of antitrust and competition – South Africa

Tel +27 11 685 8829

marianne.wagener@nortonrosefulbright.com