



# ANTITRUST LAW

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Everywhere.



**SCHINDHELM**

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EXPERIENCED  
AND CREATIVE.

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## BECAUSE WE MINIMISE RISKS UNDER ANTITRUST LAW FOR YOU

In the last few years, antitrust law has become an important factor in relation to corporate strategies. Any entrepreneurial conduct which affects competition must be measured by the standards of national and Community antitrust law. Violations may result in substantial sanctions - up to 10% of the consolidated worldwide annual sales. We help you to minimise these risks.

Today, antitrust law plays an important role in the daily business of enterprises in many aspects such as in relation to mergers with other enterprises, the cooperation with competitors, the drafting of distribution agreements, or disputes between business partners regarding specific trade practices. Against that background, our advice on antitrust law covers consultancy in relation to transactions or the development of the sales structures in compliance with antitrust law, (preventive) audits and trainings, up to the representation in fines proceedings or proceedings, or complaints, regarding the abuse of a market-dominating position. We also advise in relation to state aid law.

Our Brussels office is the “coordinating point” for all antitrust law issues. The members of the team have many years of experience at the EU level and in the national legal systems. They work seamlessly with all other locations of the international SCWP Schindhelm-Alliance to ensure the provision of direct and individual assistance to our clients, which include renowned business enterprises from a wide variety of industries.

On the one hand, our team advises you in routine matters in relation to antitrust and competition law. Besides, we are also able to provide immediate support and advice in the event of house searches by public authorities and to prepare a defence strategy.

If you are facing threatening sanctions and obligations, our team will represent you in legal disputes and negotiations with competition authorities at a national and EU level.

At the same time, we will help you to use antitrust law as a “weapon”, for example, by claiming damages or the submission of complaints to the competent competition authority.



## KEY CONSULTANCY AREAS

From internal audits to proceedings at a national or EU level:  
We offer you a comprehensive range of services  
in relation to antitrust law.

### Compliance

Trust is good, knowledge is better. Our comprehensive trainings and Compliance programmes inform employees and the management about risks under antitrust law and contribute to the safety of your enterprise. We also offer trainings - adapted to the respective industry - for the efficient prevention of violations of the law by sensitizing employees in risk positions such as sales or marketing for Compliance issues. Furthermore, we prepare business enterprises in relation of their conduct in the event of critical house searches. In addition, our specialists conduct audits of the operational business under antitrust law in order to identify and discontinue any questionable conduct under antitrust law. In relation to sales positions, we help to develop sales channels in compliance with antitrust law.

### Mergers

Advice in relation to antitrust law is of particular importance in the event of mergers, as the success of transactions such as corporate acquisitions will often depend on the feasibility under antitrust law. We are able to prepare merger notifications as speedily as possible even in the case of short deadlines by cooperating and negotiating directly with national authorities and the European Commission.

On the other hand, we offer a review on the seller's part by an audit under antitrust law in parallel to the Due Diligence whether the target is involved in any arrangements in violation of antitrust law.

Such a review will be carried out, in particular, if a business enterprise, as a parent company, can potentially still be jointly and severally held liable for a violation of the law after the transaction until the limitation of actions after five years. More and more often, the acquirer will determine by such an audit after the Closing whether a "pig in a poke" was acquired, which might result in warranty claims. In such case, it must be determined whether the acquiring enterprise merely discontinues a potential violation of antitrust law or wishes to make use of a leniency programme.

### Leniency programmes

The decision to file a leniency application is normally tied to two key expectations: professionalism and discretion. Our experienced team will safely guide you through the entire process and assist you in the preparation and submission of the leniency applications.

### Assistance in relation to proceedings

If proceedings are already pending or have been instituted, our team, as a network of specialists, will deal with the preparation of the strategies and the defence in antitrust and abuse proceedings both before national competition authorities and the European Commission as well as national and European courts. We also represent business enterprises as appellants against market-dominating enterprises, planned transactions by competitors, suppliers or customers, or unlawful subsidies.



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