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

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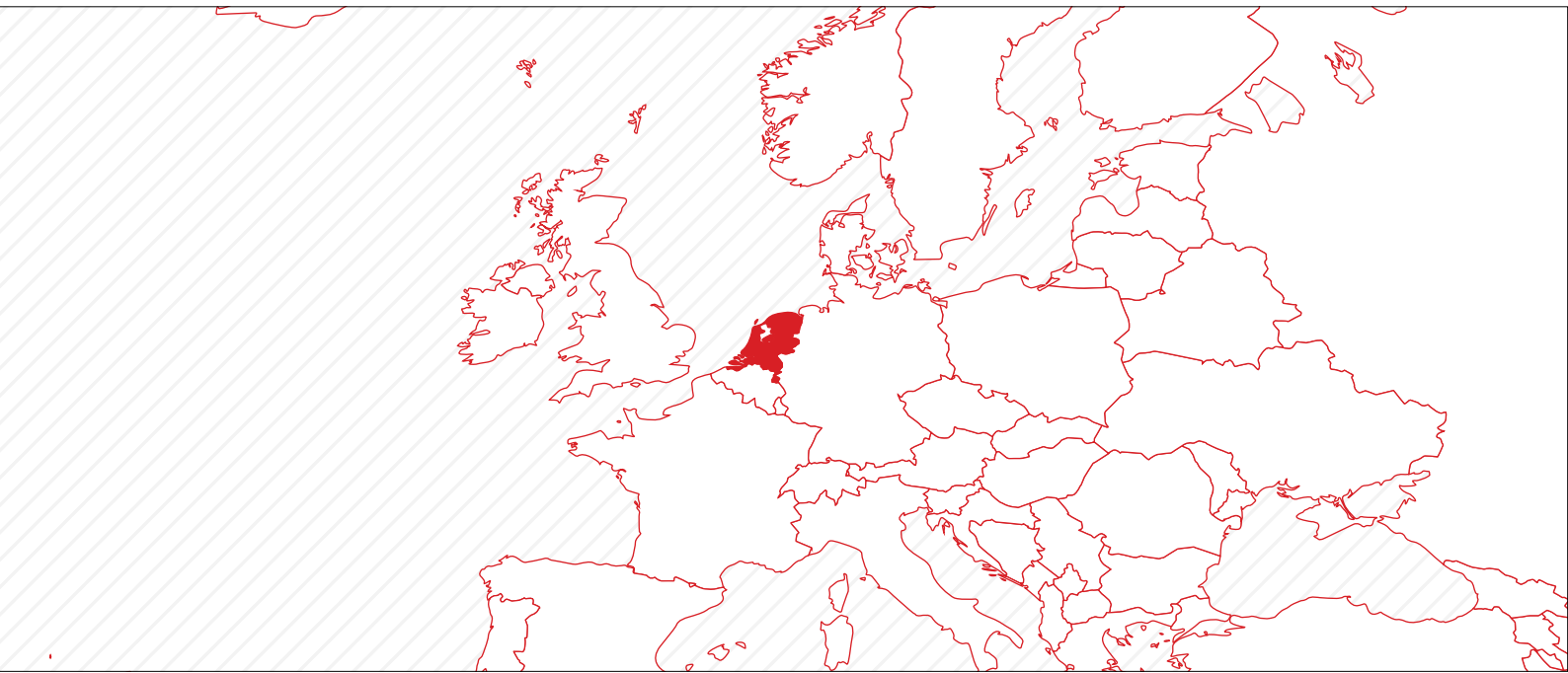
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The Netherlands

The Netherlands has become a hotspot for private antitrust damages claims, with its competition bar taking on more sophisticated litigation work.

ELITE

Kees Schillemans entered his third year as head of **ALLEN & OVERY's** Dutch competition practice in 2018 following Paul Glazener's move to the judiciary in 2016. In addition to its status as a global firm, the local practice continues to make strides in the Dutch market. Litigation expert Peter Eijsvogel and state aid special counsel Tom Ottervanger work with a team that consists of two partners, three special counsel, one senior associate and 10 associates.

Schillemans and his team advised supermarket chain Jumbo on its acquisition of 79 stores from rival Emté. The Authority for Consumers and Markets cleared the deal in Phase I, subject to Jumbo selling regional stores to a competitor. The team is also handling several cartel investigations, including representing Korean electronics company Samsung in follow-on damages claims that arose from its involvement in the cathode ray tubes cartel.

In other antitrust matters, the team represented KLM in the authority's four-year investigation into the airline to determine if its links to Amsterdam Airport Schiphol led to unfair competition. The authority concluded there was no infringement of competition law

but barred KLM and Schiphol from sharing information about their respective airport investments, airport charges and marketing strategy. The firm is assisting KLM in its appeal against the decision. The team is also advising the country's third-largest bank ABN AMRO in an investigation by the European Commission alleging that banks in the Netherlands blocked fintech rivals from entering the financial services market by denying them access to customer account information even when users had given their consent.

Jolling De Pree heads a strong competition practice at **DE BRAUW BLACKSTONE WESTBROEK**. The firm lost partner Martijn de Snoep in 2018, who left to become head of the Authority for Consumers and Markets. He had been at the firm for 28 years and a partner since 2000. Helen Gornall joined the team from AkzoNobel as counsel in 2018. De Brauw is fully integrated with its Brussels office where it works alongside its "best friend" firms – an association of Slaughter and May, Bredin Prat, BonelliErede, Hengeler Mueller and Uría Menéndez.

Firm	Head(s) of competition	Size	No. WWL nominees	Clients
ELITE				
Allen & Overy	Kees Schillemans	2 partners 3 of counsel 1 senior associate 10 associates	1	Royal KPN, KLM, Booking.com, Samsung, Nikon, Post NL
De Brauw Blackstone Westbroek	Jolling De Pree	8 partners 2 counsel 1 senior associate 20 associates	2	DAF, NXP, Philips, AkzoNobel, DSM, Schiphol Group, AholdDelhaize, Unilever, Heineken, CRH, FrieslandCampina, Bunge, Danone/Nutricia, Nutreco, Rabobank, Ikea, Vopak, Celanese
Freshfields Bruckhaus Deringer	Onno W Brouwer Winfred Knibbeler	2 partners 10 associates	2	ABB Group, AB InBev, Blackstone, Boskalis, Canada Pension Plan Investment Board, Essent (Innogy), EQT, Japan Tobacco Inc, NVM/Funda, PaddyPower Betfair, Talpa Holding, Thai Airways
Stibbe	Rein Wesseling	4 partners 4 senior associates 16 associates	3	Heineken, Air France-KLM, Barloworld, British American Tobacco, Buma-Stemra, Commerzbank, Hoppecke, Janssen De Jong, Mylan, NS (Dutch Railways), Palo Alto Networks, PostNL
HIGHLY RECOMMENDED				
Houthoff	Weyer VerLoren van Themaat	2 partners 2 counsel 18 associates	1	LG Electronics, Singapore Airlines, Cargolux, VBO, Amsterdam University Medical Centers, Sligro, Tesla, Dutch Ministry of Finance, SHV Energy, Imperial Tobacco

The team has a healthy flow of merger control work coming in. It advised AkzoNobel on the sale of its chemical division to the Carlyle Group and also defended the chemicals company against a hostile takeover bid from US paint and coatings maker PPG Industries.

The firm has a strong track record of handling high-profile cartel cases before the European Commission. The firm represents Philips in the commission's resale price maintenance investigation into four electronics manufacturers, which resulted in the enforcer fining Philips, Asus, Denon & Marantz and Pioneer €111 million in 2017. De Brauw also represents Philips in its appeal to the European Court of Justice against the commission's smart card chips cartel decision in 2014. The General Court dismissed its earlier appeal in 2016 against the €20 million fine, but Philipps pursued its appeal to the ECJ in 2017, which dismissed the challenge in September 2018. The team is also involved in some of the country's major follow-on damages cases. It represents DAF Trucks against multiple claims in EU and non-EU member state courts following on from the European Commission's truck cartel infringement decision; and British Airways in multiple air cargo follow-on actions in the Netherlands.

The experienced pair of Onno Brouwer and Winfred Knibbeler continue to lead **FRESHFIELDS BRUCKHAUS DERINGER's** competition practice, which they set up in 2000. They are joined by a team of 10 competition associates who work together on a variety of Dutch and EU matters. The firm benefits from its vast global network and has some big name clients on its roster including ThyssenKrupp, VodafoneZiggo and Anheuser-Busch InBev.

The team defended the Dutch Real Estate Association and online real estate portal Funda against claims the latter abused its dominant position. The Court of Amsterdam ruled that the complainants failed to prove that Funda's preferential terms for the Dutch Real Estate Association's members distorted competition. The firm also advised ABB Group before the District Court and the Court of Appeal of Arnhem-Leeuwarden in damages claims following on from the European Commission's gas-insulated switchgear cartel decision.

Knibbeler led the team advising Liberty Global, Vodafone Group and VodafoneZiggo on the refiling of their merger, after the European General Court annulled the commission's decision to clear the deal. The court sent the case back to the commission, which conditionally cleared the deal in 2018. The firm also advised Blackstone on acquiring a controlling stake in news and data provider Thomson Reuters Financial & Risk business, which was cleared by the commission in July 2018.

STIBBE's team continues to build on its reputation for follow-on damages work. Rein Wesseling, who heads the practice, has a particular focus on litigation and merger control matters. Partner Christof Swaak focuses on multi-jurisdictional cartel cases and follow-on damages litigation. The remainder of the team includes two more partners – Jeroen Kortmann and Matthijs Kuijpers – and 20 associates. The Dutch practice also works closely with its Brussels office, which includes two competition partners and seven associates.

The team acts for Heineken and its subsidiary Athenian Brewery in follow-on damages litigation in the Amsterdam District Court, following the Greek competition authority's decision to fine the company approximately €100 million for abuse of dominance. The damages action is the first follow-on claim in the Netherlands to rely on a decision issued by a foreign competition authority. In 2018, the Amsterdam District Court ruled that it was the competent court to hear claims against the Dutch holding company, but that it did not have jurisdiction to decide on any claims against the Greek subsidiary. Stibbe also acts for Dutch railway operator Nederlandse Spoorwegen in its administrative appeal against the competition authority's €41 million abuse of dominance fine.

In other follow-on damages work, the firm is defending MAN against various claims before Dutch courts, which arise out of the commission's €2.93 billion cartel fine against several truck manufacturers. The firm is also counsel to Credit Suisse in a probe that saw the commission issue a statement of objections to the bank in 2018 for anti-competitive practices in connection with its Forex trading business.

Firm	Head(s) of competition	Size	No. WWL nominees	Clients
RECOMMENDED				
Baker McKenzie	Frank Kroes Christiaan van der Meer	1 partner 1 counsel 4 associates 1 economist	None	Abbott, AP Moller-Maersk, Allianz, Asics, Boston Scientific, Daimler, Egeria, Emerson, Estée Lauder, ICL, Mitsubishi, Safran, Schneider Electric, Shell, Stryker, Unilever.
BarentsKrans	Joost Fanoy	2 partners 5 associates	None	Exterior Media, Canon Nederland, Claims Funding Europe, Finco Fuel, Albron Nederland, BCD Travel, BMW Nederland, Province of Limbrug, Province of Zuid-Holland, Oshkosh Defense, TUI Nederland
Clifford Chance	Frans Muller	4 associates	None	3i, Eneco, EQT, Gilde, HES International, Kone, Pon, PVH/Tommy Hilfiger, Royal Ten Cate, Sanoma, Tele2
CMS Derks Star Busmann	Edmon Oude Elferink	2 partners 4 associates	None	European Commission, Nippon Yusen Kabushiki Kaisha, Port of Rotterdam, Coca-Cola, McDonald's, Bayer, GlaxoSmithKline, BMW, Oaktree Capital, Eli Lilly, Amgen, Dyckerhoff
Maverick Advocaten	Bas Braeken Martijn van de Hel Diederik Schrijvershof	3 partners 4 associates 4 junior 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
Stek	Jan Erik Janssen Ruben Elkerbout	3 partners 2 counsel 4 associates	1	Corendon, Corendon Dutch Airlines, Wrist Supply Group, Alliander, Atlas Air, Aviko, Canon, Corendon, Danone, EBN, Essilor, Hero, L'Oréal Nederland, Thomas Cook, Transavia

HIGHLY RECOMMENDED

The experienced Weyer VerLoren van Themaat leads the competition practice at **HOUTHOFF**, where he is assisted by counsel Gerrit Oosterhuis, senior associate Greetje van Heezik and 13 associates. Houthoff has a definite focus on competition litigation work, where it is seen as a go-to firm in the market. Partner Albert Knigge, one counsel and five associates form Houthoff's dedicated competition litigation team. The competition team suffered the departures of partners Laura Parrett in 2017 and Berend Reuder in 2018, but it expects to appoint some new faces soon.

In competition litigation work, Houthoff is involved in two major investigations that are not yet public. The team also has a strong merger control practice. It represented the merging companies in the country's first-ever tie-up of two academic medical centres, which the authority cleared in Phase II. Houthoff also advised Dutch food wholesaler Sligro in its acquisition of Heineken's wholesale activities. Despite opposition from Sligro's competitors, the Dutch authority cleared the deal in Phase I.

RECOMMENDED

Christiaan van der Meer and counsel Frank Kroes lead **BAKER MCKENZIE**'s competition practice in the Netherlands. The team, which also counts four associates and one economist, coordinates closely with the firm's European and global antitrust practices. 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. The team also assisted a debt collection agency in an investigation by the competition authority focusing on unfair trade practices against consumers, which was eventually settled with commitments.

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 advises claimants in almost all the major ongoing cartel damages cases, including *Air Cargo*, *Sodium Chlorate*, *Trucks* and *Elevators*. It also handles all competition and state aid matters for out-of-home

advertising company Exterior Media. It currently represents the company in proceedings before the Dutch Court of Appeal against advertising company JCDecaux Nederland concerning a concessions contract with railway company Nederlandse Spoorwegen. The firm also advises the Province of Zuid-Holland.

Frans Muller has been in charge of **CLIFFORD CHANCE**'s antitrust practice in the Netherlands since the departure of Frances Dethmers to Allen & Overy in 2017. He leads a team of four associates, which is advising Tele2 on its Dutch subsidiary's merger with T-Mobile. The European Commission took the deal to Phase II in 2018, with the ACM sharing its input with the EU agency. The firm is also advising textile technology and chemical company Royal Ten Cate on the sale of its thermoplastic and thermoset composites division to Toray Industries. Away from merger control matters, the team advises a confidential global pharmaceutical company on various behavioural matters, including a sector investigation by the Dutch competition authority.

The team at **CMS DERKS STAR BUSMANN** is headed up by Edmon Oude Elferink, who is based in Brussels, but spends two days a week on average in Amsterdam and Utrecht. Elferink works with fellow partner Robert Bosman and four senior associates. In merger control, the team assisted Oaktree Capital on the sale of Dental Clinics to Nordic Capital. The Dutch Health Care Authority and the competition authority approved the deal without conditions in 2018. The team was also co-counsel to NYK in the European Commission's roll-on roll-off shipping cartel probe, which resulted in the EU enforcer issuing fines of €395 million against four maritime car carriers – although NYK had its fine reduced to €141 million. The firm also counts GlaxoSmithKline, McDonald's, BMW and Coca-Cola as clients.

MAVERICK ADVOCATEN became the Netherlands' first competition boutique when it was established in 2013. The firm is led by a trio of partners: Bas Braeken, Diederik Schrijvershof and Martijn van de Hel, who are assisted by four associates and four junior associates. The firm successfully assisted over 50 real estate traders in winning full annulment of a €6.4 million cartel fine from the Authority for

Consumers and Markets, which accused the traders of manipulating foreclosure auctions between 2000 to 2009. In other cartel work, van de Hel led the team that successfully secured the annulling of a fine imposed on cold storage company H&S Group. The Dutch authority sanctioned it and three other cold-storage companies €12.5 million for establishing a cartel on the back of merger discussions, but the Court of Rotterdam overturned the decision. The team also advised multiple mental healthcare providers on the creation of a joint venture for the provision of mental healthcare to all healthcare insurance companies.

STEK takes pride in its competition litigation work, despite being a full service firm. Berend Reuder joined the partnership in 2018 from Houthoff, and advises clients in the healthcare and technology sectors. He works alongside fellow partners Jan Erik Janssen and Ruben Elkerbout. Stek represented Corendon Dutch Airlines in proceedings against Airport Schiphol for abuse of dominance. The team also helped the Wrist Supply Group in its acquisition of the Klevenberg Shipping Center, which the authority cleared in Phase I.