



Netherlands

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The Netherlands continues to be a hotspot for European antitrust damages claims, although an emboldened national competition enforcer means that local lawyers have more behavioural and merger control matters to work on.

Elite

ALLEN & OVERY has had an antitrust team in the Dutch capital for more than two decades. Practice head Kees Schillemans has been with the firm for 12 of those years, now leading a team that includes fellow partner Yvo de Vries plus three counsel and 11 associates. The firm is a market leader when it comes to representing clients in regulated sectors, including Dutch postal service PostNL, national airline KLM and incumbent telecommunications operator KPN. Allen & Overy continues to advise PostNL on the merger control aspects of its €130 million acquisition of rival Sandd. The Netherlands' Authority for Consumers and Markets (ACM) originally blocked the

deal, but the Dutch Minister of Economic Affairs later overruled that decision in an unprecedented move in 2019. In July 2020, the District Court of Rotterdam annulled the government's approval. Both PostNL and the minister have appealed against the ruling to the Dutch Trade and Industry Appeals Tribunal. Meanwhile, PostNL is the target of several spin-off cases resulting from the acquisition. Another high-profile merger case sees the firm acting for Sanoma in appealing against the Rotterdam court's decision in March 2021 to annul the ACM's conditional approval of its acquisition of educational platform Iddink.

In EU merger control work, the team is advising Aegon on the €830 million sale of its Dutch subsidiaries to Vienna Insurance Group. It also advises Dutch commercial television station operator RTL Nederland on its proposed merger with Talpa Network. In the ACM's first-ever case recognising the relevance of sustainability goals in its competition law assessment, Allen & Overy convinced the enforcer to close a probe into monitoring software rolled out by Dutch dairy association NZO. Notable state aid work includes advising KLM on its negotiations with the Dutch state and a number of domestic and foreign banks to secure €3.4 billion in covid-19-related financing.

Jolling de Pree leads **DE BRAUW BLACKSTONE WESTBROEK**'s team of six partners, one counsel and 24 associates. Already the largest in the Netherlands, the practice received a boost in April 2021 when Stephanie The was promoted from senior associate to partner. The firm benefits from close links to other Best Friend firms BonelliErede, Bredin Prat, Hengeler Mueller, Uría Menéndez and Slaughter and May, and counts Facebook, Booking.com and Uber among its clients.

The firm was lead counsel for GrandVision in its sale to EssilorLuxottica, which resulted in Phase II reviews in the EU, Chile and Turkey before being conditionally cleared in all three jurisdictions. The team assisted the same company in related litigation against EssilorLuxottica about information disclosure during the merger reviews and remedy discussions. In a novel and

headline-grabbing case, Illumina appointed De Brauw to challenge the Netherlands' decision to refer its acquisition of Grail to the European Commission despite the deal not meeting national or EU notification thresholds. An interim relief judge in the Court of The Hague dismissed Illumina's request in April 2021 and the EU accepted the referral. De Brauw also assisted the owner of the leading Dutch supermarket, Ahold Delhaize, on its purchase of part of DEEN Supermarkets, which the EU referred to the ACM. The ACM approved the deal with structural remedies in July 2021.

The team is known across Europe for its follow-on litigation defence work. It is lead counsel to DAF in *Trucks* follow-on claims and defends British Airways against multiple Dutch actions related to the EU's *Air Cargo* cartel decision. It also defends DS Smith against a damages claim brought in the Dutch courts by Unilever, which follows on from the Italian competition authority's finding that several packaging companies fixed prices and allocated customers in two separate markets. Overseas, the team is assisting nutrition company Nutreco as its Chilean subsidiary faces price-fixing allegations from the country's National Economic Prosecutor. Onno Brouwer and Winfred Knibbeler established **FRESHFIELDS BRUCKHAUS DERINGER**'s competition practice two decades ago.

They continue to lead the team, which consists of fellow partner Paul van den Berg plus one counsel and 10 associates. The Amsterdam-based group handles both EU and Dutch-specific competition matters, benefiting from Freshfields's vast global network. Successful litigation work includes representing educational publisher Infinitas/Noordhoff in challenging the ACM's conditional clearance of rival Sanoma's purchase of educational materials distributor Iddink. The Rotterdam District Court sent the deal back for further investigation in March 2021. The firm also acts for Thai Airways, ThyssenKrupp and ABB in follow-on claims stemming from various cartel decisions issued by the European Commission and other competition authorities worldwide.

Merger control matters including acting for the world's largest veal producer, Van Drie, during the ACM's in-depth investigation of its purchase of Van Dam. The agency cleared the deal unconditionally after considering its sustainability-related benefits. Additionally, the Dutch team was leading counsel for Anheuser-Busch InBev as the brewer sold its Australian subsidiary to the Asahi Group for €11.3 billion, which the Australian Competition and Consumer Commission cleared with divestiture conditions in June 2020. The firm also secured the European Commission's unconditional Phase I approval for Ardian's acquisition of home improvement product manufacturer Deli Home and advises the Canada Pension Plan Investment Board on a number of deals worldwide.

STIBBE's well-respected competition practice is steered by Rein Wesseling, who works alongside fellow partners Christof Swaak, Floris ten Have, Jeroen Kortmann and Matthijs Kuijper. Newly promoted counsel Marieke Bredenoord-Spoek and Jan Truijens Martinez complete the team together with 18 associates.

The firm's recent focus has been on behavioural matters – although merger control work included securing the European Commission's approval for the formation of Viatrix, the pharmaceutical company established through the merger of Mylan and Upjohn in November 2020. The team acts for Credit Suisse in the commission's ongoing probe into alleged collusion in the foreign exchange market and also represented the bank in the EU enforcer's SSA-Bond cartel probe. The agency fined Credit Suisse €12 million in April 2021 for exchanging information and coordinating prices with rivals Bank of America, Deutsche Bank and Crédit Agricole.

Before the national courts, Stibbe successfully secured the annulment of Dutch railway operator NS's €41 million abuse of dominance fine. It also acts for British American Tobacco in appealing against its €31 million fine for colluding with three other cigarette manufacturers. Other defence work includes representing Heineken and its subsidiary Athenian Brewery in challenging a damages claim following on from an abuse of dominance decision

issued by Greece's Competition Commission, which the Amsterdam Court of Appeal sent back to the district court in February 2021. The team also represents MAN in *Trucks* cartel follow-on claims and defends Prysmian against a *Power Cable* cartel claim brought by public entities in Bahrain, Kuwait, Oman and Saudi Arabia.

Highly recommended

Weijer VerLoren van Themaat has been with **HOUTHOFF** for more than three decades, setting up its Brussels office in 1997 before returning to Amsterdam in 2005 to lead its competition practice. The rest of the team includes two other partners, one counsel and 13 associates, although they also work closely with the firm's specialist competition litigation practice on damages matters. That work includes defending LG Electronics against a €2 billion claim from Vestel following on from the European Commission's *Cathode Ray Tube* cartel decision after convincing Itaotec to withdraw a similar claim. The team also represents Singapore Airlines in an *Air Cargo* cartel claim involving more than 1,500 claimants, which has resulted in a preliminary reference to the European Court of Justice. Additionally, the firm defends Nexans, Volvo/Renault Trucks and Total against cartel-related follow-on damages claims.

Though known for its private enforcement work, Houthoff is no stranger to merger control. It obtained unconditional approval from the European Commission and the Dutch healthcare regulator for Bergman Clinics' sale to Triton Partners and continues to assist Bergman during the ACM's Phase II review of its purchase of Mauritsklinie. Additionally, the firm is acting for EY Accountants in appealing against a €200,000 gun-jumping fine from the Fair Trade Authority Curaçao – the agency's first-ever competition law fine. Another appeal sees Houthoff challenging Imperial Tobacco's €10.4 million fine from the ACM for allegedly sharing price information with three rivals.

Boutique **MAVERICK ADVOCATEN** says that it is the only Dutch firm dedicated solely to competition, procurement and regulated

markets, with all lawyers spending at least 50% of their time on antitrust matters. Practice co-heads Diederik Schrijvershof and Martijn van de Hel are assisted by counsel Leyla Bozkurt and eight associates. They successfully invoked the failing firm defence on behalf of elderly care providers Stichting Omring and Stichting Vrijwaard to obtain the Dutch competition authority's Phase II conditional clearance to merge in August 2020, before successfully negotiating an extension to the divestiture requirements in June 2021 on account of the covid-19 pandemic. They are currently steering healthcare providers Erasmus MC and IJsselland Hospital through the ACM's in-depth probe into their combined tie-up after obtaining conditional approval from the Dutch Healthcare Authority. In another Phase II probe, the firm is advising at-home medical aid and nutrition supplier Mediq on its acquisition of rivals Eurocept Homecare and Excellent Clinics.

Maverick is co-counsel to International Bon Ton Toys as Dromenjager – the trademark owner of Dutch children's toy brand Woezel & Pip – appeals against a decision from the Rotterdam District Court declaring a licensing agreement between the two null and void because it contained unlawful restrictions on the pricing and sales channels of toys. The team also successfully assisted the Dutch Mental Healthcare Association and 19 of its mental healthcare provider members in challenging the long-term care rates charged by the Dutch Healthcare Authority, with the Court of The Hague ruling in March 2021 that the healthcare administration offices have a dominant position.

STEK's highly regarded competition team includes partners Ruben Elkerbout and Berend Reuder plus four associates. They take on some impressive work, including securing unconditional Phase II approval from both the ACM and the Belgian Competition Authority for Corendon's sale of its tour operating and Dutch airline activities to Triton Partners. The firm also defends the company against a €3 million antitrust damages claim brought by former online travel agency Prijsvrij regarding Corendon's termination of an agency agreement.

Other deal work saw Stek coordinate merger filings in four jurisdictions for BANG's acquisition of rival feed additives supplier FRAmelco. It also steered Abacus through reviews in Germany and the Netherlands relating to its acquisition of Pluripharm, while obtaining the ACM's Phase I approval for Simpel in its acquisition by T-Mobile Netherlands. The team also represents EasyJet before the Dutch Trade and Industry Appeals Tribunal in challenging a decision from the ACM that found the Royal Schiphol Group's airport charges are not discriminatory and unreasonable. It further defends Samsung against national follow-on claims relating to the *Cathode Ray Tube* cartel and advises five Dutch banks on potential competition law issues arising from their anti-money laundering project.

Recommended

BAKER MCKENZIE's Dutch practice is led by partner Christiaan van der Meer, while dispute resolution partner Frank Kroes heads its competition litigation work. The team – which also includes five associates and an economist – works closely with counterparts in London and Brussels as well as on standalone Dutch matters. It secured the ACM's unconditional Phase I approval for APG Asset Management's fibre optic venture with telecoms provider KPN, as well as for Yource's purchase of rival Cendris from PostNL. It also convinced the Dutch enforcer to unconditionally clear Royal De Heus' acquisition of joint control over two poultry slaughter companies and is assisting the same feed manufacturer during the agency's review of its purchase of rival Coppens. Additionally, the team secured unconditional Phase I clearances in Austria, France and Germany on behalf of Ergon Capital in its sale of puzzles company Keesing to BC Partners. The firm's behavioural work is confidential.

BARENTSKRANS' team is overseen by partner Joost Fanoy, while Martijn van Maanen heads the competition litigation department. They are assisted by seven associates. The firm took over from

Dentons as counsel to Macedonian Thrace Brewery in a multimillion-euro damages claim against Heineken and its subsidiary Athenian Brewery, which follows on from an abuse of dominance decision issued by Greece's Competition Commission. The Amsterdam Court of Appeal ruled in February 2021 that Dutch courts have jurisdiction over both Heineken and its Greek subsidiary. Additionally, the firm is advising Claims Funding Europe as it seeks compensation from air cargo cartelists for HP, Unilever, Novartis, Motorola and Philips. It also assists the same third-party litigation funder in its claims against truck cartelists on behalf of vehicle purchasers, securing a judgment from the District Court of Amsterdam in June 2021 that dismissed the truck manufacturers' arguments that the claimants suffered no damages. Other litigation work includes acting for a large group of claimants seeking damages from EU elevators cartel Kone, with the Amsterdam court ruling in June 2021 that the manufacturer was liable. In merger work, the firm secured the ACM's unconditional approval in just four weeks for network equipment solutions provider Amadys in its purchase of fibre optic connectivity distributor Infraconcepts, despite horizontal and vertical overlaps.

BIRD & BIRD's Dutch practice is based in The Hague, where practice leader Pauline Kuipers joins fellow partner Janneke Kohlen and five associates. Partner Hein Hobbelen is primarily based in Brussels but assists on Dutch cases. The team has plenty of expertise in the digital and telecoms markets, advising T-Mobile Netherlands – formerly Tele2 Nederland – on its purchase of mobile telecoms operator Simpel to become the largest Dutch operator, securing the ACM's unconditional Phase I approval in November 2020. It also obtained the Dutch enforcer's Phase I clearance in May 2021 for client Cellnex Telecom's joint venture with Deutsche Telekom's T-Mobile Infra. The firm submitted a complaint to the ACM on behalf of Tele2 Nederland alleging that KPN Telecom abused its dominant position, which the ACM dismissed in July 2020.

The team of three partners, one counsel and nine associates at competition and regulatory boutique **BRINKHOF** is helmed by Pepijn van Ginneken. Google is the firm's star client, with former in-

house lawyer Fatiya Munkaila joining Brinkhof as an associate in September 2021 to specialise in tech matters. The team guided the US company through the ACM's investigation into sponsored rankings and its payment sector market study, both of which ended in 2021. The firm also advised new client Global Automotive on its purchase of PON subsidiary PBG, a rival wholesale tyre supplier, which the ACM cleared unconditionally in March 2021. New client GoFundMe turned to the firm for an analysis of its platform contracts based on EU and Dutch competition law. Brinkhof continues to act for Heineken in its damages claims against EU *Trucks* cartelists and defends Toshiba against follow-on claims relating to the EU's *Cathode Ray Tubes* cartel decision. It also represented Dutch fixed-line telecoms operator KPN in challenging the European Commission's approval of the merger between Liberty Global and Ziggo, with the EU General Court dismissing its appeal in January 2021.

Bas Braeken joined **BUREAU BRANDEIS** in July 2019 from Maverick Advocaten, where he was a co-founding partner. The competition practice has grown significantly since then, with partners Marc Barennes and Sarah Subrémon joining from Cartel Damages Claims to launch the firm's Paris office in February 2021. Back in the Netherlands, Braeken and two of his four associates act as local counsel for Philip Morris as the tobacco maker appeals against its €27.5 million fine for colluding with three rivals. It acted for online travel company Prijsvrij in civil proceedings against Thomas Cook, obtaining €4 million in damages in a March 2021 settlement three years after the Court of Amsterdam ruled that Thomas Cook infringed competition law by terminating an agency agreement with the plaintiff. The firm also acts for Prijsvrij as a third party during the ACM's in-depth review of the *Sunweb/Corendon* merger, as well as in a standalone damages claim against tour operator Corendon. Additionally, the team convinced the Dutch Trade and Industry Appeals Tribunal to reduce the cartel fine imposed by the ACM on client Joh Enschedé Amsterdam and one of its former directors from €2 million to €10,000. In a high-profile EU case, Braeken advises EU athletes in cross-appealing against the General Court's December

2020 ruling that largely confirmed the European Commission's *International Skating* union decision.

The competition group at **CMS** is led by Edmon Oude Elferink, who is based in Brussels with partner Robert Bosman and two associates. Senior associate Annemieke Hazelhoff and associate Merle Temme work with the team from Amsterdam. They are defending Japanese airline All Nippon Airways against follow-on damages claims related to the *Air Cargo* cartel in a case currently pending before the European Court of Justice as a preliminary reference. The team is also advising infrastructure fund manager Equitix on EU and Dutch merger control relating to its conditional acquisition of stakes in six public-private partnership projects held by DIF Capital Partners. Additionally, the firm secured the ACM's approval for Dealer Groep Pon to acquire Volkswagen dealer Huiskes-Kokkeler and advised the car dealership on the related sale of Century Autogroep to its former management.

Although it has a diverse client base, **LOYENS & LOEFF** claims to be a market leader when it comes to competition issues in digital markets, life sciences, healthcare and food. Partners Marc Wiggers and Gert-Wim van de Meent are supported by counsel Marc Custers and 10 associates, after former senior associate Natasja Brusik left in April 2021 to become a senior case handler at the ACM. The team successfully defended Zilveren Kruis, the largest healthcare insurer in the Netherlands, against allegations by manufacturer Eureco-Pharma that its purchasing policy for leukaemia treatment Imbruvica infringed competition rules. The Midden-Nederland District Court ruled in June 2020 that Zilveren Kruis was allowed to use a discount policy to encourage hospitals to purchase medicines from a cheaper manufacturer. The firm also assisted the Dutch association of healthcare insurers, Zorgverzekeraars Nederland, in obtaining both ACM and European Commission approval for a joint purchasing arrangement and a solidarity arrangement that jointly shares costs arising from the covid-19 pandemic between health insurers.

Partner Erik Pijnacker Hordijk leads four associates at **PELS RIJCKEN & DROOGLEEVER FORTUIJN**. The firm is known for advising the Dutch government, although it also has a hand in follow-on damages claims as well as some high-profile deals. The firm acted for the Dutch Ministry of Economic Affairs in an interim measures case that saw Illumina unsuccessfully challenge the government’s referral of the company’s merger with Grail to the European Commission. It also acts for the ministry in defending its decision to approve the acquisition of *PostNL/Sandd* for a second time after its first approval decision – which overruled the ACM’s block – was annulled on appeal. Meanwhile, the firm has represented Dutch Lottery in an appeal brought by third parties against the approval of the merger creating the national lottery operator as far back as 2016, which the Dutch Trade and Industry Appeals Tribunal finally rejected in December 2020. Additionally, the firm represents clients including Daimler, ArcelorMittal and SAS against cartel damages claims.

Firm	Head(s) of competition	Size	No. WWL nominees	Clients
Elite				
Allen & Overy	Kees Schillemans	2 partners, 3 counsel, 11 associates	1	KLM, KPN, DSM, Aegon, PostNL, Sanoma, NZO (Dutch Dairy Organisation), Leaseplan, Renewi, RTL Nederland
De Brauw Blackstone Westbroek	Jolling de Pree	6 partners, 1 counsel, 24 associates	5	AkzoNobel, AholdDelhaize, Unilever, Booking.com, ASML, Philips, PACCAR/DAF Trucks, Royal DSM, SHV Group/Nutreco, NN Group
Freshfields Bruckhaus Deringer	Onno Brouwer, Winfred Knibbeler	3 partners, 1 counsel, 10 associates	2	ABB Group, AB InBev, Blackstone, Canada Pension Plan

				Investment Board (CPPIB), Infinitas/Noordhoff, JTI, NVM/Funda, Talpa Holding, ThyssenKrupp, VodafoneZiggo
Stibbe	Rein Wesseling	5 partners, 2 counsel, 18 associates	2	Air France–KLM, British American Tobacco, Credit Suisse, Heineken, KKR, MAN, Nederlandse Spoorwegen (NS, NVB (the Dutch Banking Association)), Viatris (formerly Mylan), Vodafone
Highly Recommended				
Houthoff	Weijer VerLoren van Themaat	3 partners, 1 counsel, 13 associates	1	LG Electronics, Singapore Airlines, Total, Volvo Trucks/Renault Trucks, EY, Imperial Brands, Nexans, Bergman Clinics, Wingtech, Porthos Group
Maverick Advocaten	Diederik Schrijvershof, Martijn van de Hel	2 partners, 1 counsel, 8 associates	1	H&S Group, Stichting Omring and Stichting Vrijwaard, Erasmus MC and IJsselland Hospital, FMN, Parnassia Group, Mediq, Funda, Arkin, Midac, Achmea

Stek	Ruben Elkerbout, Berend Reuder	2 partners, 4 associates	1	Samsung SDI, Atlas Air, Corendon, Evides, Nestle, EasyJet, L'Oréal, Nederlandse Vereniging van Banken/Dutch Banking Association, Abacus Medicine (Pluripharm)
Recommended				
Baker McKenzie	Christiaan van der Meer, Frank Kroes	2 partners, 1 economist, 5 associates	0	Abbott, APG, Daimler, Egeria, Ergon, IDEXX, KeBeK, Mitsubishi, Royal De Heus, Shell
BarentsKrans	Joost Fanoy	2 partners, 7 associates	0	Exterion Media, Selecta, EBS, Dura Vermeer, Macedonian Thrace Brewery, BMW, Finco Fuel, Claims Funding Europe, Canon, Dell
Bird & Bird	Pauline Kuipers	2 partners, 5 associates	1	T-Mobile Netherlands, Cellnex Telecom, NCOI, Tempur, PPG, Marshall Land Systems, Blackboard International, Corbion, Yum! Brands, Epson
Brinkhof	Pepijn van Ginneken	3 partners, 1 counsel, 9 associates	1	Google, Expedia, Global Automotive, Heineken, Toshiba, Spotta, KPN, Eurofiber, GoFundMe, Mosadex

bureau Brandeis	Bas Braeken	1 partner, 4 associates	1	Prijsvrij, Walt Disney/ESPN, Bastion Hotels, Cleary Gottlieb Steen & Hamilton/Philip Morris, EU Athletes/Niels Kerstholt/Mark Tuitert, Dromenjager, Bosch Siemens Household Appliances, TIX.nl, VTTI, Dutch Travel Alliance/Dutch Travel Retail United
CMS	Edmon Oude Elferink	1 partner, 1 counsel, 4 associates	0	Kubota, Port of Rotterdam, All Nippon Airways, McDonald's, Pon Holdings, Shell, AEB, Honeywell, Dutch Association for ICT and Telecommunication Large-Volume Users (BTG), Mitsui Rail Capital Europe
Loyens & Loeff	Marc Wiggers, Gert-Wim van de Meent	2 partners, 1 counsel, 10 associates	1	MSD, HSF Logistics Group, Sun Chemical, Rendac/Darling Ingredients, Zilveren Kruis, Medtronic, Nederlandse Spoorwegen, DPG Media, bol.com (Ahold-Delhaize), Cabooter Rail Cargo
Pels Rijcken & Droogleever Fortuijn	Erik Pijnacker Hordijk	1 partner, 4 associates	1	Daimler, ArcelorMittal, SAS, Royal FloraHolland,

				Dutch Ministry of Economic Affairs, Netherlands' Authority for Consumers and Markets, City of Amsterdam, Royal Cosun, EPS, Medico
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