

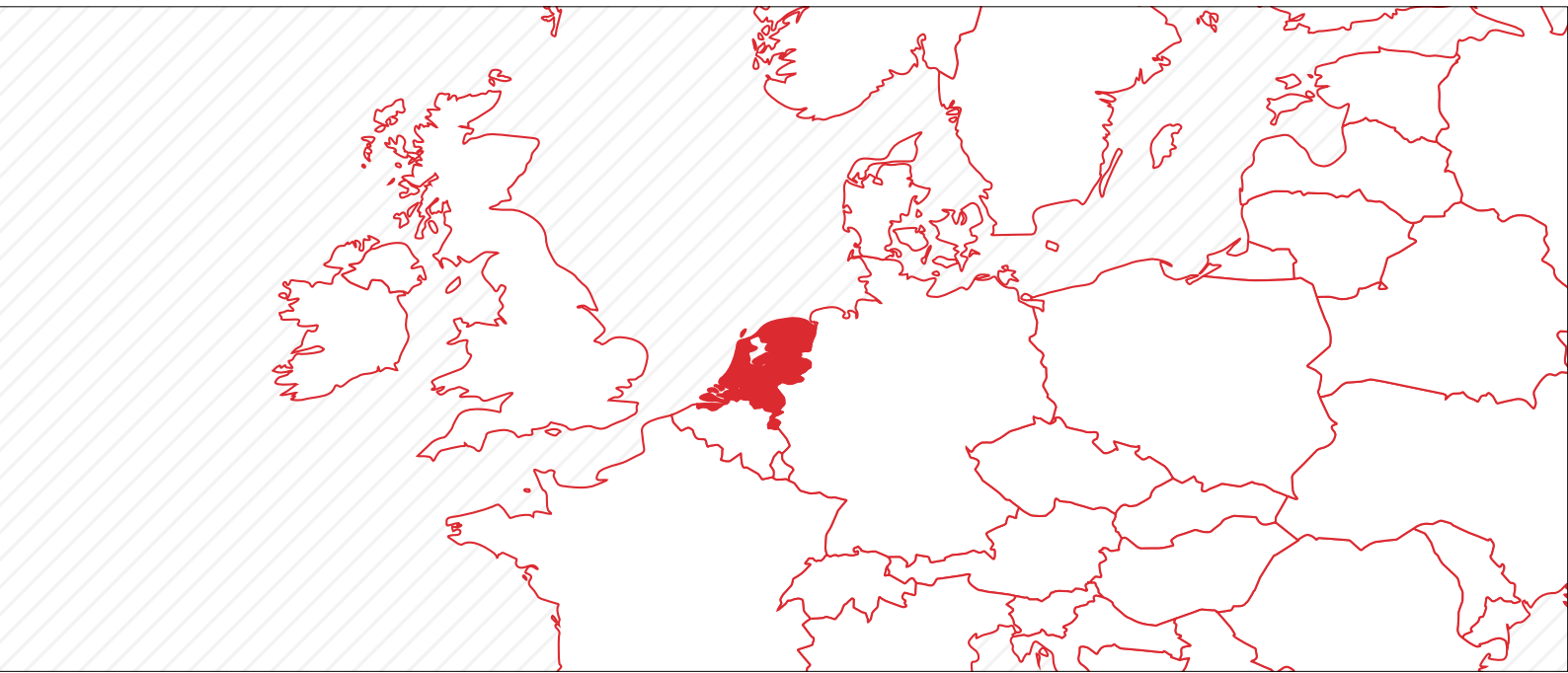


GCR

1000

21st annual edition – revised and updated

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



Netherlands

The Netherlands is known as a European hotspot for antitrust damages claims, but frequent appeals against fines issued by the Authority for Consumers and Markets and an enticing investment environment also keep Dutch competition practices busy.

ELITE

Kees Schillemans leads **ALLEN & OVERY**'s competition practice in the Netherlands, working alongside partner Yvo de Vries, two counsel and 11 associates. Tjarda van der Vijver, a former case handler at the Dutch enforcer, was promoted from senior associate to counsel in May 2020. In addition to its status as a global firm, the local practice says it continues to make strides in the Dutch market, where it is mostly active in merger control.

PostNL turned to Allen & Overy for competition advice related to the incumbent postal service company's €130 million purchase of its main rival Sandd. After the Netherlands' Authority for Consumers and Markets (ACM) prohibited the deal in September 2019, the State Secretary for Economic Affairs and Climate Policy overruled the block in a first-of-its-kind decision; however, the District Court of Rotterdam quashed the minister's approval in June 2020, and PostNL has now appealed against the court's annulment to the Trade and Industry Appeals Tribunal. Other deal work includes securing Phase II clearance for Sanoma in its €277 million purchase of educational platform Iddink – the first merger in which the Dutch enforcer imposed access

to data as a remedy – and assisting Heijmans and BAM on their asphalt production joint venture, which the Dutch authority cleared unconditionally after an in-depth review. The team also obtained unconditional Phase II clearance on behalf of NCOI Group, which is the largest private education provider in the Netherlands, for its acquisition of Leidse Onderwijsinstellingen.

The firm advised Svitzer in the enforcer's probe into its port towage joint venture with rival Iskes. The companies agreed to dissolve the venture in response to the ACM's competition concerns, and Svitzer subsequently acquired the business in full. Additionally, the firm advised Onex Corporation, the majority shareholder in KidsFoundation, on the proposed joint takeover of rival childcare provider Partou, which the Dutch authority cleared subject to divestments in December 2019. The team also secured the European Commission's Phase I approval for Chinese insurance company Anbang in its sale of Vivat to the NN Group. Non-merger work includes advising Scania following its €880 million fine from the European Commission in a matter currently

being appealed, as well as 30 cases pending before the Dutch courts where the truck maker is either a defendant or third-party intervenor.

Jolling de Pree leads the competition practice at **DE BRAUW BLACKSTONE WESTBROEK**, which has grown to five partners and 20 associates. In November 2019, Helen Gornall was promoted to partner from counsel and Maikel van Wissen joined as a partner in Brussels from Linklaters. The Amsterdam office is fully integrated with its Brussels counterpart, where it works alongside its “best friend” firms – an association of Slaughter and May, Bredin Prat, BonelliErede, Hengeler Mueller and Uría Menéndez.

Deal work includes advising online food delivery company Takeaway.com on several deals in the past few years, including its acquisition of Delivery Hero’s German food delivery business in 2019, its merger with Just Eat in 2019 and its ongoing proposed takeover of rival Grubhub in the United States. The firm assisted Boels Rental on its €590 million purchase of Finnish rental business Cramo, which enforcers in Austria and Germany cleared in early 2020. The team also secured the ACM’s unconditional approval of Digital Reality’s €7.6 billion merger with InterXion after a Phase I review and continues to advise travel companies Triton Partners and Sunweb Group on their proposed merger, which the companies originally notified to the European Commission before national enforcers in Belgium and the Netherlands asked to review the deal. The Dutch authority is now conducting a Phase II probe.

The team is advising British Airways and DAF Trucks as defendants in separate claims following on from the European Commission’s *Air Cargo* and *Trucks* cartel decisions respectively. It also assists Dutch clients on competition law matters in other jurisdictions, representing nutrition company Nutreco in a cartel probe conducted by Chile’s National Economic Prosecutor’s Office and advising dairy company FrieslandCampina on its acquisition of Nutricima’s dairy activities in Nigeria.

Onno Brouwer and Winfred Knibbeler established **FRESHFIELDS BRUCKHAUS DERINGER**’s competition practice two decades ago. They continue to lead the team alongside Paul van den Berg, who made the jump from senior associate to partner in May 2020. They are joined by 10 associates and one counsel who handle both EU and Dutch-specific competition matters. The firm benefits from its vast global network that has some big-name clients on its roster, including UPS, VodafoneZiggo and thyssenkrupp.

Freshfields acted for Anheuser-Busch InBev as it sold its Australian subsidiary, Carlton & United Breweries, to Japan’s Asahi Group for €9.9 billion, in a deal that the Australian Competition and Consumer Commission cleared with divestments in April 2020. It represented long-time client Liberty Global and its Dutch joint venture VodafoneZiggo in the ACM’s attempt to force the telecommunications company to open its network to rivals, and it also represents the companies plus Vodafone in the EU’s review of *UPC/Ziggo*. The General

Court annulled the European Commission’s first merger clearance in 2017, and Freshfields continues to advise the network operators on KPN’s challenge to the deal.

On the behavioural side, Brouwer and counsel Alvaro Pliego Selie secured the dismissal of antitrust claims against Dutch real estate association NVM and real estate platform Funda. Rival association VBO alleged that Funda abused its dominance to favour NVM, but the Amsterdam Court of Appeal ruled in June 2020 that the discrimination did not harm VBO’s competitive position. Knibbeler and Selie represented Japanese Tobacco’s Dutch subsidiary in the ACM’s *Cigarette* cartel probe. In its first-ever hub-and-spoke decision, the enforcer fined the manufacturer €13 million in October 2020 for exchanging information with rivals about future cigarette prices. Freshfields is defending Thai Airways in private litigation arising from the European Commission’s *Air Cargo* cartel decision, as well as thyssenkrupp in several follow-on damages claims relating to the *Escalators* and *Elevators* cartels. The team also acts for Infinitas Learning and its subsidiary Noordhoff, the Netherlands’ largest suppliers of educational materials, in challenging the ACM’s clearance of a merger between publisher Sanoma and distributor Iddink.

STIBBE’s team continues to build on its reputation for follow-on damages work. Practice head Rein Wesseling particularly focuses on litigation and merger control matters and partner Christof Swaak on multi-jurisdictional cartel cases and follow-on damages litigation. The remainder of the team includes three more partners – Jeroen Kortmann, Matthijs Kuijpers and Floris ten Have – and 20 associates.

The firm advised Dutch railway operator Nederlandse Spoorwegen and mobility group PON on the antitrust aspects of establishing a platform that connects users to a range of transportation options. The European Commission referred the case to the Dutch enforcer, which cleared the deal subject to data access requirements in May 2020. The team is also advising Mylan Pharmaceutical on its compliance with divestments imposed by the EU enforcer on the drug maker’s €10.1 billion merger with Pfizer’s Upjohn subsidiary in April 2020.

In behavioural work, Stibbe defends Heineken and its subsidiary Athenian Brewery against an abuse of dominance claim brought by Greek brewer Macedonian Thrace Brewery. The Amsterdam District Court rejected the claim on jurisdiction grounds, and the case is now pending before the Amsterdam Court of Appeal. It defended British American Tobacco in the ACM’s *Cigarette* cartel probe, which ended in October 2020 with a €31.3 million fine to the company for exchanging information with rivals about future cigarette prices. The team continues to represent Credit Suisse as the only non-settling bank in the EU’s *Forex* probe and in an investigation by the enforcer into the sovereigns, supranationals and agencies bond markets. The team defends Prysmian against damages claims brought by public entities in Bahrain, Kuwait, Oman and Saudi Arabia related to the EU’s *Power Cables* decision, and it represents MAN in *Trucks* follow-on litigation.

HIGHLY RECOMMENDED

The experienced Weyer VerLoren van Themaat leads the competition practice at **HOUTHOFF**, where he is assisted by fellow partner Gerrit Oosterhuis, counsel Greetje van Heezik and 13 associates. The firm is renowned for its competition litigation work – with a specialist practice led by managing partner Albert Knigge – but it is also growing on the merger side. It advised Wingtech in the acquisition of sole control of semiconductor manufacturer Nexperia, Zwanenberg Food Group on

its takeover of Struik Foods Europe, and Navitas on the sale of its child-care provider Partou to rival KidsFoundation, which was conditionally cleared in Phase I. It also advised LOI in the Dutch enforcer’s Phase II review of its sale to rival Nederlands Commercieel Opleidingsinstituut, which brings together two of the largest private education institutions in the Netherlands.

Firm	Head(s) of competition	Size	No. WWL nominees	Clients
ELITE				
Allen & Overy	Kees Schillemans	2 partners 2 counsel 11 associates	1	PostNL, KLM, NCOI, Anbang, FedEx, Sanoma, KPN, Mammoet, Nikon, Scania
De Brauw Blackstone Westbroek	Jolling de Pree	5 partners 20 associates	4	AkzoNobel, Ahold Delhaize, Unilever, Booking.com, ASML, Philips, PACCAR/DAF Trucks, Royal DSM, SHV Group/Nutreco, Facebook
Freshfields Bruckhaus Deringer	Onno Brouwer Winfred Knibbeler Paul van den Berg	3 partners 1 counsel 10 associates	2	Infinitas/Noordhoff, AB InBev, Canada Pension Plan Investment Board, JTI, NVM/Funda, Talpa Holding, Thai Airways, thyssenkrupp, UPS, VodafoneZiggo
Stibbe	Rein Wesseling	5 partners 20 associates	2	Air France-KLM, British American Tobacco, Credit Suisse, Heineken, KKR, MAN, Mylan, Nederlandse Spoorwegen, Nederlandse Vereniging van Banken, Vodafone
HIGHLY RECOMMENDED				
Houthoff	Weyer VerLoren van Themaat	2 partners 1 counsel 13 associates	1	LG Electronics, Singapore Airlines, Koninklijke Drukkerij Em De Jong, NL Healthcare, Cargolux, DCC Plc, Alcogroup, Bergman Clinics, Wingtech, Zwanenberg Food Group, Dümmer Orange, Varo Energy
Maverick Advocaten	Diederik Schrijvershof Martijn van de Hel	2 partners 1 counsel 7 associates	1	H&S Group, Midac, Port Towage Amsterdam, Auction traders, Stichting Omring and Stichting Vrijwaard, Erasmus MC and IJsselland Hospital, ADG Dienstengroep, Oxin Growers, FMN (Arriva, Transdev, Qbuzz, Keolis and EBS), Parnassia Group, Curium-LUMC

In damages work, Houthoff defends Singapore Airlines and Cargolux in numerous claims following on from the EU's *Air Cargo* ruling and in a related preliminary reference case before the European Court of Justice. Owing to the size of the litigation, which involves more than 15 airlines and over 1,500 claimants, the Dutch courts have designed a special procedure to hear the claims. The firm also represented realtor VBO Makelaar in stand-alone abuse of dominance proceedings before the Amsterdam Court of Appeal against rival realtor association NVM and its real estate portal Funda. VerLoren van Themaat acted for cigarette manufacturer Van Nelle Tabak Nederland during the Dutch enforcer's probe into information exchange among rival tobacco companies. Other litigation work includes defending LG Electronics against a €2 billion claim for damages from electronics manufacturer Vestel related to the *Colour Display Tubes* and *Colour Picture Tubes* decisions.

Competition boutique **MAVERICK ADVOCATEN** is led by partners Diederik Schrijvershof and Martijn van de Hel. They are backed by

counsel Leyla Bozkurt, who joined from AKD in March 2020, and seven associates. Van de Hel secured the annulment of an ACM cartel fine for transportation services provider H&S Group from the Court of Rotterdam, in a ruling that the enforcer has appealed against to the Dutch Supreme Court. Van de Hel also successfully represented battery importer Midac in challenging an ACM cartel fine to the Rotterdam court, securing annulment in June 2019. The team is assisting around 50 auction traders in a claim for damages against the competition authority stemming from an annulled cartel decision.

In deals, Maverick advised on the merger of elderly care providers Stichting Omring and Stichting Vrijwaard, which the enforcer approved with remedies after an in-depth review in August 2020. The team is also advising Erasmus MC and IJsselland on their proposed hospital merger and represented several regional public transport companies as they formed a joint digital transport platform offering mobility services to passengers, which was approved by the enforcer subject to data-related remedies in Phase II.

RECOMMENDED

Christiaan van der Meer and counsel Frank Kroes lead **BAKER MCKENZIE**'s competition practice in the Netherlands. The firm promoted van der Meer to the partnership in July 2019. The team, which also counts five associates and one economist, coordinates closely with the firm's European and global antitrust practices. Much of its work remains confidential, although public matters include advising Mirage Holdings on the purchase of Intertoys, which the Dutch enforcer

cleared in Phase I in September 2019. The team also assisted steel manufacturer Van Merksteijn on the acquisition of sole control over wire supplier Intersig, obtaining unconditional Phase I clearance from the Belgian and German competition authorities. The team successfully represented a global manufacturer of consumer goods in a resale price maintenance investigation, which the Dutch enforcer closed without an infringement decision, and advised a pharmaceutical company in

Firm	Head(s) of competition	Size	No. WWL nominees	Clients
RECOMMENDED				
Baker McKenzie	Christiaan van der Meer Frank Kroes	2 partners 1 economist 1 counsel 5 associates	0	Abbott, ASICS, Biogen, Daimler, Hunter Douglas, IDEXX, Mitsubishi, Merck, Van Merksteijn, Shell
BarentsKrans	Joost Fanoy	1 partner 1 senior associate 1 associate 2 junior associates	0	Exterion Media, Porthos Project, IBM, Selecta, EBS, TUI, Dura Vermeer, Macedonian Thrace Brewery, BMW, Finco Fuel
Brinkhof	Pepijn van Ginneken	3 partners 1 counsel 8 associates	1	KPN, Nuon, Google, Oppo, Eurofiber, Delta Rijnssen, Greenchoice, Xiaomi, Heineken, Axender
Clifford Chance	Frans Muller	1 partner 3 associates	0	Nouryon, Spotify, Upfield, Sanoma, Royal DSM, Naspers, Tele2, Xiaomi, Pfizer
CMS Netherlands	Edmon Oude Elferink	1 partner 1 counsel 3 senior associates 1 associate	0	Eli Lilly, McDonald's, AEB, Methanol Institute, All Nippon Airways, Dutch Association for ICT and Telecommunication Large-volume users (BTG), Port of Rotterdam, Pon Holdings, Kubota, Mitsui Rail Capital Europe
Stek	Berend Reuder	3 partners 1 senior associate 4 associates	1	Corendon, Stichting Schakelring, Stichting De Riethorst Stroomland, Stichting Volckaert, Samsung SDI

the ACM's sector inquiry into anti-rheumatic pharmaceuticals. It acts for an "oil major" as well as a chemical company in damages claims following on from separate European Commission infringement decisions.

Joost Fanoy heads the team at **BARENTSKRANS**, which is known for its domestic and international cartel damages litigation work. Fanoy is assisted by senior associate Tim Raats, associate Karlijn de Groes and two junior associates. The firm has advised claimants in almost all the major ongoing cartel damages cases, including *Air Cargo*, *Sodium Chlorate*, *Paraffin Wax*, *Trucks* and *Elevators*. It is acting for Macedonian Thrace Brewery in its follow-on litigation against Heineken and Greek subsidiary Athenian Brewery, where MTB is appealing against a ruling that the District Court of Amsterdam lacks jurisdiction over the Greek brewer. BarentsKrans is also advising Exterion Media on all competition and state aid matters, including defending the advertising company before the Dutch Supreme Court against antitrust claims brought by JCDecaux.

BRINKHOF is a boutique competition and regulatory firm, with a 12-strong antitrust team led by Pepijn van Ginneken. He works with fellow partners Quinten Kroes and Remy Chavannes, plus one counsel and eight associates. Nima Lorjé joined the firm in September 2020 as a counsel from Freshfields Bruckhaus Deringer. The team advises Google in all litigation before the ACM, including assisting the company during the enforcer's App Store study. It is also representing KPN before the EU General Court in appeals against the European Commission's *LibertyGlobal/Ziggo* and *Vodafone/Ziggo* merger decisions. Additionally, the firm advises Nuon on its appeal against an ACM excessive pricing ruling. It also works in the IP space, representing smartphone supplier Oppo in an abuse of dominance claim against

rival Sisvel, and Wiko in a FRAND-based abuse of dominance claim against Phillips. In private enforcement, the team acts for Heineken in a follow-on damages claim against the *Trucks* cartellists, and it also defends Toshiba against three separate claims stemming from the *Cathode Ray Tube* decision.

Frans Muller has been in charge of **CLIFFORD CHANCE**'s antitrust practice in the Netherlands since 2017, leading a team of three associates. He advised Sanoma on the sale of its Dutch media subsidiary to DPG Media, which the ACM cleared unconditionally in April 2020. The team advises airline KLM in EU state aid matters, including in relation to subsidiaries granted by the Dutch government during the covid-19 pandemic, and also advised Spotify during the ACM's sector investigation into mobile app stores, which stemmed from concerns that Apple was undermining the streaming service as a competitor to Apple Music. The enforcer is now conducting a formal abuse of dominance probe into Apple. Other clients include Naspers, HES International and Pfizer.

The team at **CMS NETHERLANDS** is led by Edmon Oude Elferink, who is based in Brussels, alongside counsel Robert Bosman and two associates. Senior associate Annemieke Hazelhoff and associate Merle Temme work with the team from Amsterdam. The firm represented Dutch professional football clubs SC Cambuur and BV De Graafschap in their bid for an injunction to stop the national football association from ending the 2019 to 2020 season over the covid-19 pandemic. The clubs claimed the association abused its dominance, but a district court ruled against them in June 2020. The firm is 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. In merger control, the firm

assisted car importer Pon on its acquisition of joint control over car dealer company Muntstad, which the Dutch authority cleared unconditionally in January 2020 after a Phase I review.

STEK is a full-service firm that takes pride in its competition litigation work. Berend Reuder joined the partnership in 2018 from Houthoff and advises clients in the healthcare and technology sectors. He works alongside fellow partner Ruben Elkerbout. The team advised Corendon

on the sale of its tour operating and Dutch airline activities to Triton Partners, the owner of tour operator Sunweb. It also steered healthcare providers Stichting Schakelring, Stichting De Riethorst Stroomland and Stichting Volckaert through their tie-up, which the Dutch enforcer cleared unconditionally after a Phase II review. Stek is now acting for Samsung SDI in follow-on *Cathode Ray Tube* claims, in a defence that the firm took over in 2019.