

Netherlands

11 December 2024



Local antitrust lawyers' in-trays are kept full by the increasingly ambitious Netherlands Authority for Consumers and Markets (ACM), not to mention the Dutch courts, which remain a hotspot for competition law class action claims.

Elite

Kees Schillemans steers **A&O SHEARMAN**'s Dutch competition practice, which includes fellow partner Pieter Huizing, who joined the firm in May 2023. The team advises RTL Netherlands on its potential sale to DPG Media, which has triggered a landmark in-depth assessment of harm to competition within a labour market by the ACM. The team also represents Samsung in its appeal against the ACM's €39.9 million first-of-its-kind vertical restraints penalty. Elsewhere, Korean Air tapped teams in Amsterdam and Brussels to advise on its €1.31 billion acquisition of rival Asiana Airlines, which was conditionally cleared by the European Commission following a Phase II statement of objections. The deal – which saw Asiana divest its cargo business to gain approval – marked a shift away from the EU agency's previous approach to remedies in airline mergers.

DE BRAUW BLACKSTONE WESTBROEK's team of seven partners, two counsel and 24 associates is led by Jolling de Pree. The firm defends Booking.com against damages claims brought by thousands of accommodation providers in Germany, which led to a preliminary reference ruling from the European Court of Justice in September 2024. Other recent highlights include acting as lead counsel for PACCAR/DAF in trucks cartel follow-on claims. The firm also continues advising British Airways in multiple follow-on damages claims in the Netherlands stemming from the air cargo cartel. On the merger control side, the team advises leading construction company Koninklijke VolkerWessels on the sale of a subsidiary to Triton, a deal that triggered both merger and foreign subsidies control filings.

Winfred Knibbeler and Paul van den Berg head up **FRESHFIELDS**' Dutch antitrust group, which also includes fellow partner Onno Brouwer, one counsel and nine associates. The team advises agribusiness Viterro, together with its shareholders, on its blockbuster merger with Bunge, the world's largest oilseed processor. The deal – which the European Commission conditionally approved in August 2024 with divestments – required reviews in nearly 40 jurisdictions. In another key merger control matter, the team advised investment groups Permira and Blackstone on the completed €14 billion acquisition of Adevintra. The firm also represents Meta in its appeal against aspects of its designations under the EU Digital Markets Act. Additionally, Meta tapped the firm to advise on the European Commission's investigation into Facebook Marketplace's use of advertising data, which resulted in a blockbuster fine in November 2024. Other notable work includes guiding ABB in litigation before the European courts and against follow-on claims in the Dutch courts triggered by the European Commission's power cables cartel decision.

STIBBE's Amsterdam-based competition team is led by Rein Wesseling and Jeroen Kortmann, who work alongside fellow partners Branda Katan and recently-promoted Stijn de Jong, as well as three counsel and 20 associates. Largely focused on behavioural matters and litigation, the firm continues to advise Apple on its appeal against the ACM's finding that it abused its dominance by imposing unreasonable conditions for app developers to sell online content via its App Store. The team is also defending the tech company against three separate follow-on class actions over the alleged conduct. Away from digital markets, Stibbe is counselling Firmenich in a cross-border cartel investigation into suspected collusion in the fragrance sector. Rabobank has also tapped the team to steer its appeal against the European Commission's €26.6 million EU bonds trading cartel fine, currently before the EU General Court. In another key mandate, Stibbe represents Credit Suisse in its appeals against two separate EU cartel decisions before the same court.

Highly Recommended

BARENTSKRANS' antitrust practice is chaired by Joost Fanoy, who works alongside fellow partners Martijn van Maanen and Tim Raats, the latter of whom was promoted in January 2024. The firm successfully guided KPN during its acquisition of mobile virtual network operator Youfone, winning approval in March 2024 following a Phase II probe. Incumbent KPN is one of the Netherlands' three large mobile network operators. On the plaintiff side, the team continues to represent Macedonian Thrace Brewery in its multimillion-euro follow-on suit against Heineken and its Greek subsidiary Athenian Brewery, which stems from an abuse of dominance decision by Greece's Competition Commission. In April 2023, the Dutch Supreme Court said it would refer the matter to the ECJ for preliminary questions concerning jurisdiction. The firm also represents two of the country's largest online shopping comparison sites in damages claims that follow on from the European Commission's *Google Shopping* decision, as well as special purpose vehicle Chapelton in a follow-on class action claim before the District Court of Amsterdam against the trucks cartel. The Amsterdam court has sought a preliminary ruling from the Dutch Supreme Court in the case.

Competition and regulatory boutique **BRINKHOF** counts on the expertise of Pepijn van Ginneken and two other partners, who work with nine associates. The firm is assisting Google as it seeks to fend off a €2.1 billion damages claim filed in the Netherlands in February 2024. A coalition of 30 media organisations from 17 EU countries claim that the tech giant abused its dominant position in the online advertising sector by favouring its own publishing ad platform. Google has also tapped the firm to fight Dutch damages claims following on from the EU's *Google Shopping* decision. Elsewhere, X (formerly Twitter) sought the firm's services in rebutting its possible designation under the Digital Markets Act. The team is also advising complainant Mediahuis before the ACM regarding DPG's high-profile proposed takeover of RTL Netherlands. Other work includes continuing to defend Toshiba in actions following on from the cathode ray tube cartel decision and assisting Heineken in its damages claim against the trucks cartel.

Bas Braeken leads **BUREAU BRANDEIS**' competition offering in Amsterdam, assisted by four associates. Founding partner Hans Bousie left the firm in May 2024 for Butler Reichline Skruzmane, a boutique antitrust litigation firm. Notable deal work includes helping Youfone secure unconditional approval for its sale to incumbent KPN following an in-depth review by the ACM. The team also advises two pallet sellers on their sale to market leader Foresco, with the agency pursuing a novel roll-up theory of harm as part of a Phase II probe. Elsewhere, the firm acted for Mark Tuitert and Niels Kerstholt as third parties in the International Skating Union's unsuccessful appeal before the ECJ against the European Commission's decision that the body's eligibility rules were anticompetitive. Tuitert and Kerstholt were the complainants that triggered the commission's probe. The firm also continues to advise special claims vehicle Stichting in damages actions that follow on from the forex cartel and *Google Shopping* decision.

Partner Marc Wiggers and counsel Marc Custers lead the competition team at **LOYENS & LOEFF**, assisted by eight associates. The firm currently advises DPG Media on its high-profile bid for RTL Netherlands, in which the ACM is conducting a novel Phase II probe assessing labour market concerns. The team also counselled supermarket chain Jan Linders on its strategic partnership with rival Albert Heijn, winning approval from the ACM in September 2023 subject to a divestment package to address local competition concerns. Dutch online marketplace Bol has tapped the firm to represent it before the ACM in the agency's abuse of dominance probe over possible self-preferencing. Meanwhile, the team advised and represented Veco in the ACM's market sharing probe in the fruit and vegetables sector, resulting in fines totaling more than €2.5 million in December 2023. The firm is also instructed on impressive confidential matters.

Partners Diederik Schrijvershof, Martijn van de Hel and Cyriel Ruers take charge of **MAVERICK ADVOCATEN**, which describes itself as the only Dutch boutique firm that solely handles antitrust matters. The team advises Strukton and its subsidiary GBN Artificial Grass Recycling in a European Commission cartel investigation into the synthetic turf sector, which included assisting the company during a multi-day dawn raid. Maverick also guides a confidential retailer in the commission's luxury fashion cartel probe. Other notable work includes advising Associated Business Music Distributors in private abuse of dominance proceedings against BumaStemra, a case that went to the Dutch Supreme Court before being referred back to the Hague Court of Appeal for a determination on the competitive position of ABDM's members. Maverick also advises Dutch oil company Oliehandel Klaas de Boer on the ACM's in-depth investigation into its acquisition by rival FincoEnergies.

The antitrust group at **PELS RIJCKEN & DROOGLEEVER FORTUIJN** is steered by counsel Jotte Mulder, now that Erik Pijnacker Hordijk has stepped back from the partnership to take an of counsel role. Frequently tapped by the Dutch state, the team acts as counsel for the ACM in Amex, Visa, Mastercard and ICS's appeal against the EU Interchange Fee Regulation, for which a related preliminary reference ruling request is currently pending before the ECJ. The team also represents Heineken and its subsidiary Athenian Brewery in Macedonian Thrace Brewery's follow-on suit against the companies, which also

triggered a pending preliminary reference ruling request to the apex court. Additionally, the firm continues to defend Daimler against Trucks cartel follow-on claims and UBS against claims stemming from the European Commission's forex cartel decision.

Recommended

Partners Frans Muller and Frank Kroes lead **BAKER MCKENZIE**'s competition group, which includes five associates. While a number of the firm's high-profile cases are confidential, public work includes defending Barclays against a forex cartel follow-on damages action by litigation vehicle Stichting FX Claims. In March 2023, the Amsterdam District Court ruled that just two Dutch pension funds – Aegon and Stichting Pensioenfond Medisch Specialisten – could proceed with their claims against Barclays and a group of banks because the other claimants were based abroad and thus lacked jurisdiction. The team also secured a Phase I unconditional clearance for Legrand's acquisition of Enovation from the ACM in May 2023. The merger was at the intersection of tech and healthcare, two areas of particular focus for the competition watchdog.

Pauline Kuipers guides **BIRD & BIRD**'s Dutch antitrust team, which benefits from the expertise of fellow partners Janneke Kohlen and Hein Hobbelen, plus six associates. Much of the practice's work is confidential but public matters include advising Open Dutch Fiber on the competition law and state aid aspects of its fibre optic network roll-out, including winning three consecutive interim relief proceedings in the company's longstanding dispute with a municipality.

The competition practice at **CMS** is steered by Edmon Oude Elferink, who works alongside two counsel and five associates. Carl Zeiss Meditec tapped the team to advise on its €1 billion acquisition of Dutch Ophthalmic Research Center, successfully obtaining merger and FDI clearances in the US, Germany, Saudi Arabia, Austria, France, Sweden and Italy. The practice also guided Dutch transport conglomerate Pon on its successful acquisition of two Porsche dealers in the south of the Netherlands, receiving an unconditional green light from the ACM in May 2024. It also represents taxi operator BIOS Groep in its appeal against an ACM decision that found the company colluded with a rival and refused to grant the company access to certain evidence. A first instance court sided with the enforcer, but appeal proceedings are now pending before the Trade and Industry Appeals Tribunal. The practice also continues to defend Japanese airline All Nippon Airways against damages claims before the ECJ that follow on from the air cargo cartel.

Marc Kuijper and Bram Braat lead the **DENTONS** Amsterdam-based competition practice. The team secured the largest antitrust damages award to date in any Dutch proceedings in January 2024 on behalf of Turkish TV manufacturer Vestel. The East Brabant District Court ordered €648 million in damages in the company's follow-on claim stemming from the European Commission's cathode ray tubes cartel decision. The team also acts for 40 of the largest housing associations in their bundled cartel damages claim against the elevators cartel, which saw the courts hold Otis and Kone liable for all damages suffered by the housing groups. The defendants' appeals were dismissed in January 2024 and the case was referred to the next stage in proceedings to determine damages suffered. On the merger control side, the team advised McCain, a Canadian multinational frozen food company, on the sale of CelaVita to private equity firm Nimbus, securing Phase I clearance from the ACM in April 2024.

GERADIN PARTNERS' Dutch competition practice is led by partners Stijn Huijts and Ruben Elkerbout. The latter joined the firm from Stek in January 2024, launching the Amsterdam office. In merger control, the practice is advising Foresco Packaging in the AMC's in-depth probe of its planned takeover of two smaller rivals, which features a novel analysis on whether the deal could further the dominance the company obtained through a series of below-threshold acquisitions. In litigation work, Elkout continues to defend the Royal Dutch Football Association (KNVB) against claims from Pro-Agent, EFAA and two football agents that FIFA's Football Agents Regulations and the KNVB are in breach of competition law.

Daniella Strik heads up the litigation-focused competition team at **LINKLATERS** alongside Lodewick Prompers, who was promoted to partner in May 2024. The firm continues to defend Goldman Sachs against damages claims that follow on from the European Commission's power cables cartel decision and Air France against claims stemming from the global air cargo cartel. On the merger control side, the team advised ING and KBC – leading banks in the Benelux region – on the sale of mobile payment software company Payconiq International to the European Payments Initiative. The high-profile transaction prompted an Article 22 EUMR consultation before the ACM and the Belgian Competition Authority, with the team successfully arguing against calling the deal in for review.

Firms	Head(s) of competition	Size	No. of Lex Index Nominees	Clients
Elite				
A&O Shearman	Kees Schillemans	2 partners, 1 counsel, 16 associates	1	Foresco, KKR and its subsidiary Roompot, KLM, Korean Air, Open Pass, PostNL, RTL Group, Samsung Electronics, Scania, Vattenfall

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De Brauw Blackstone Westbroek	Jolling de Pree	7 partners, 2 counsel, 24 associates	5	AkzoNobel, British Airways, Booking.com, Just Eat Takeaway.com, DS Smith, PACCAR/DAF Trucks, PON Holdings, Nutreco, Koninklijke VolkerWessels
Freshfields	Winfred Knibbeler, Paul van den Berg	3 partners, 1 counsel, 9 associates	4	ABB, Blackstone, British Columbia Investment Management Corporation, Canada Pension Plan Investment Board, HP Inc, Meta, Van Drie Holding B.V., Visa Europe, Viterra, VodafoneZiggo
Stibbe	Rein Wesseling, Jeroen Kortmann	4 partners, 3 counsel, 20 associates	2	Firmenich, Rabobank, UBS, KLM-AirFrance, Viatris, Apple, BAT, MAN, Heineken, Nederlandse Spoorwegen
Highly Recommended				
BarentsKrans	Joost Fanoy	3 partners, 1 counsel, 7 associates	1	Interovo Egg Group, Macedonian Thrace Brewery, Equilib, Chapelton, KPN, Stichting Elevator Cartel Claim, FinCo Marine Energies, Bloem Infra, Compaxo
Brinkhof	Pepijn van Ginneken	3 partners, 9 associates	1	X (formerly Twitter), Heineken, Toshiba, Google, AB Inbev, Diageo, FedEx, Mediahuis, Crédit Agricole, Global Steel Wire
Bureau Brandeis	Bas Braeken	4 partners, 4 associates	1	Cleary Gottlieb, Youfone, European Elite Athletes Association, TIX, Prijsvrij, VakantieDiscounter, Axeco, Pro Agent, Butler Reichline Skruzmane, Vierhouten/DWP
Loyens & Loeff	Marc Wiggers	1 partner, 1 counsel, 8 associates	2	DPG Media, bol (AholdDelhaize), DIF, BAWAG, Main Capital, EDEKA, TEVA, Santander, BNP Paribas, Morgan Stanley
Maverick Advocaten	Diederik Schrijvershof, Martijn van de Hel, Cyriel Ruers	3 partners, 8 associates	2	FMN, Erasmus MC, Mediq, Eneco, DHL, Funda, KNMP, DPG Media, Bayer, Novartis

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Pels Rijcken & Droogleever Fortuijn	Jotte Mulder	2 counsel, 4 associates	1	Dutch State, Heineken and Athenian Brewery, Westlake Chemical Corporation, the Netherlands Authority for Consumers and Markets, City of Amsterdam, Scandinavian Airlines, ArcelorMittal, Mercedes-Benz Group
Recommended				
Baker McKenzie	Frans Muller, Frank Kroes	2 partners, 5 associates	0	Legrand S, Nouryon, Nobian, Royal De Heus, Barclays, Merck & Co, Nordic Capital, Shell, Barclays, Sika
Bird & Bird	Pauline Kuipers	3 partners, 6 associates	2	Odido Netherlands, Epson, Tempur Sealy, PPG, Open Dutch Fiber, Marshall Land Systems, Blackboard International, Corbion, Nldigital, Computrain
CMS	Edmon Oude Elferink	1 partner, 2 counsel, 5 associates	1	All Nippon Airways, Atlas-Copco, Coca-Cola Europacific Partners, Brenntag, Hill International, Diageo, AEB, Volker Wessels, Louwman Group, Kubota-Kverneland
Dentons	Marc Kuijper, Bram Braat	2 partners, 12 associates	1	McCain, Japan Airlines, FMN, Itaotec, Ultramar, Duisburger Hafen, Stichting De Glazen Lift, Daimler, Battery Ventures, Vestel
Geradin Partners	Stijn Huijts, Ruben Elkerbout	7 partners, 2 counsel, 8 associates	0	Koninklijke Nederlandse Voetbalbond (KNVB), Foresco Packaging, Nationale Postcode Loterij en Vrienden Loterij, easyJet, Global Food Group, L'Oréal, SIDN, Polar Air Cargo, G-Star, Match Group
Linklaters	Daniella Strik	3 partner, 10 associates	0	Air France, Goldman Sachs Group, LeasePlan Corporation, Ant Group, Cummins, Essent Energy Next Solutions, Hillhouse, ING and KBC, Infracapital, AMS