

EU REGULATORY AND COMPETITION LAW

“Success is a choice”

Billiet & Co Lawyers

Avenue Louise 146 B-1050 Brussels

Tel: +(32) 2 643 33 01

Fax: +(32) 2 646 24 31

info@billiet-co.be

www.billiet-co.be

General

Billiet & Co is a reputed business law firm with over 40 years of experience. We are particularly known for thorough research and customized assistance. Our team of experts will listen to your needs and is ready to serve you.

Our EU Regulatory & Competition practice includes the following areas:

- [Antitrust, Dominance Abuses and Compliance](#)
- [State Aid](#)
- [Merger Control](#)
- [EU Litigation](#)
- [Trade remedies](#)

Why clients choose us:

- [Business focus](#): We adopt a hands on and customized approach that maximises business sense
- [Client-driven](#): Through diagnosis we identify, together with the client, which legal path would best reflect the client's interests.
- [Outstanding reputation](#): We have won numerous legal awards for excellence and outstanding services.
- [Interdisciplinary](#): We closely work together with specialist accountants, tax advisors and other experts.
- [International reach](#): We operate through a carefully selected network of foreign partners in over 50 jurisdictions.

We are at the forefront of current and future legal practices and are committed to using our knowledge and experience to always deliver excellent services.

The excellence of our team is demonstrated through [prizes and awards](#) (e.g. "Boutique Law Firm of 2014 – Belgium" (The M&A Awards)) and recommendations in several law directories, including Chambers and The Legal 500, for International Trade, Competition and European law practice. Members of the team have been mentioned among the 'Best of the Best' in International Trade law by Expert Guides.

Our team works in English, Dutch, French, Russian, German, Spanish, Greek, Ukrainian, and Romanian.

Antitrust, Dominance Abuses and Compliance

Members of our team have an extensive, long-standing and diverse practice in the area of EU and national antitrust rules including both cartels and abuses of dominant position. Over the years, the practice focused on the energy, media, telecoms, air transport and pharmaceutical sectors. Set out below are indicative examples of the work that was previously done by members of our team.

Our experience includes:

- Representing a **telecoms** company in an antitrust complaint before the European Commission.
- Advising and representing a major **energy** intensive industrial producer on electricity pricing practices of a dominant incumbent electricity supplier.
- Advising a member of the international bar-code trade association in litigation proceedings before the national courts against the **trade association**, following its expulsion from membership of the association, in potential breach of EU and national competition rules.
- Defending an international **sports** federation against abuse of dominance allegations relating to the acquisition of **media** rights to sports broadcasting events in the framework of international arbitration procedures.
- Advising and representing a major **pharmaceutical** company in connection with a European Commission's "pay for delay" antitrust investigation.
- Advising a major **telecoms** provider on EU Competition and regulatory issues, defending it against complaints and delivering a full compliance programme for its management and sales staff.
- Representing a major international **film** distributor in national antitrust procedures.
- Representing a major Asian **air carrier** in the framework of the European Commission antitrust investigation into airline surcharges.
- Advising and representing a major international logistics **company** in the framework of the European Commission antitrust investigation into freight forwarders' surcharge policies.
- Advising a major international **airline** in a major self-assessment exercise on compliance under EU antitrust rules of its joint venture with a competing airline.
- Providing EU antitrust compliance training to a major multinational container **shipping** company and two **telecoms** operators.

State Aid

Members of our team have been at the forefront of EU State aid law developments for over 30 years and have been advising governments and corporates on the application of EU State aid rules focusing on the shipbuilding, air transport, media, telecoms, ports, terminals, energy and financial institutions sectors. They participated in several landmark State aid cases both before the European Commission and the European Courts in Luxembourg representing alleged recipients of State aid, complainants, awarding authorities, governments and public bodies. Members of our team also frequently assist clients during recovery proceedings and litigation at national level. They have also advised governments and governmental agencies in structuring their State aid schemes in compliance with EU State aid rules.

Our experience includes:

- Representing a major Italian **media** group in a substantial State aid dispute before the EU General Court and, on appeal, the European Court of Justice.
- Advising several **regional development agencies** in various projects that involve diverse State aid advice, such as environmental, regional, rescue & restructuring, R & D and other types and specific forms of aid.
- Advising major **financial** institutions and governments regarding State aid during the financial crisis.
- Drafting an EU Member State's national legislation with regard to temporary State aid support to its **banking** sector in an attempt to deal with the financial crisis.
- Advising a **mining** company in an in depth "Phase II" State aid investigation of the European Commission alleging the acquisition of certain assets below market value and representing this company before the EU General Court.
- Representing a major **telecoms** operator in EU State aid procedures concerning the State funding €400 million of the total cost of the company's Voluntary Retirement Scheme of €1.5 billion and securing State aid clearance by the European Commission in this matter.
- Representing a government in an in depth EU State aid investigation concerning **shipyards**. We ensured that the State aid recovery order would not be enforced against the military assets of the shipyard that are exempt from the application of EU law.
- Advising and representing a government in landmark notification procedures and achieving clearance of a scheme in relation to the reform of the national **pension** system in the financial sector to bring it in line with International Accounting Standards.

- Advising several **airlines** on compliance with the EU Aviation Emission Trading Scheme.
- Advising and representing a major EU **energy** intensive industrial producer in European Commission procedures concerning the price of electricity charged by the incumbent electricity producer. This case also involved the assessment of an independent arbitration award on electricity pricing under the EU State aid rules.
- Representing a major international **port operator** in EU State aid procedures concerning tax advantages allegedly granted by an EU Member State in the framework of a concession agreement.
- Successfully advising and representing a major international **port operator** in EU State aid procedures relating to a post-award amendment of its concession agreement with the government of an EU Member State.
- Advising private **electricity producers** on EU State aid procedures relating to capacity adequacy mechanisms.
- Advising a major EU **cement producers** association in procedures for the exemption of the sector from the EU Emission Trading Mechanism.
- Advising a major international industry association on the applicability of State aid rules in the **air transport** sector with particular emphasis on the operation, by certain EU airports, of certain allegedly "discriminatory" charging patterns and policies financed by regional governments.

Merger Control

We regularly advise and represent merging parties or third interested parties in merger control clearance proceedings before the European Commission and national competition authorities. We frequently negotiate commitments with the regulators as a condition for the approval of mergers or acquisitions. We work with experienced economists and monitoring trustees to ensure compliance with agreed commitments.

Our experience includes:

- Advising a major Asian **airline** on EU merger control rules and national jurisdictional thresholds.
- Successfully representing a third party in merger proceedings between two major **electronic communication** undertakings.
- Advising a multinational **infrastructure operator** on applicable EU and EU Member State merger control rules in the course of an acquisition of a major infrastructure operator in the EU.
- Representing a third party in EU merger control proceedings regarding a merger in the **oil and gas** industry in the Northern North Sea.
- Representing a major international **airline** in EU merger control proceedings concerning the acquisition of another international airline with substantial operations in the EU.
- Representing a **maritime carrier** in obtaining worldwide clearance of new investments in **port infrastructure**.

EU Litigation

Members of our firm have extensive over 30-year experience of contentious and litigious State aid, antitrust, trade and general EU law matters such as e.g. the free movement of establishment, goods, services and capital. We regularly litigate before the EU and national courts in these areas. We frequently draft and submit complaints to competition authorities on behalf of injured parties or represent parties under investigation.

Our experience includes:

- Representing **mining** companies in a major State aid procedure before the EU General Court in Luxembourg against the European Commission's decision in relation to alleged State aid as a result of a below market value sale in a national mining sector.
- Representing **Chinese exporters** before the European Court of Justice against a European Commission appeal regarding the imposition of EU anti-dumping duties on the Chinese herbicide glyphosate. This has been a landmark case that influenced the trade relations between China and the EU.
- Representing a major **media** group from Italy before the European Courts in State aid litigation proceedings regarding alleged aid for the purchase of digital decoders.
- Advising a major international sports association in an arbitration with a media company, where abuse of a dominant position affecting the **licensing of TV broadcasting rights** was alleged.
- Representing a **tobacco** processing company in litigation before the national and EU Courts.
- Representing the European Commission and the European Investment Bank in **public procurement** litigation before the European Courts.
- Representing a major **Russian** client in an action for damages before the European Courts alleging illegal imposition of **anti-dumping** duties whilst a cartel was operating in Europe.
- Successfully representing several Indian **stainless steel** manufacturers before the EU General Court in challenging the legality of EU **antidumping** and **countervailing duties** imposed on EU imports of Indian stainless steel bars.
- Representing a major Greek **ferry** company before the EU general Court and European Court of Justice in the famous *Greek Ferries cartel* case.

Trade remedies

We advise clients on how best to resolve issues relating to anti-dumping, anti-subsidy and safeguard investigations. We frequently represent corporate clients, governments and non-governmental organisations before the European Courts and in WTO Dispute Settlement proceedings. Our primary objective is to help clients overcome EU and third country market access and import and export-related impediments worldwide. We have a thorough understanding of the complexities of international economic integration processes and more than 30 years of academic and work experience in dealing with the practical implementation of trade remedies legislation.

Our experience includes:

- Advising a major multinational specialized **chemicals manufacturer** on exports of outdoors protective garments capable of suppressing thermal signature to several third countries under the EU **dual use goods** regulations.
- Advising an **international battery producer** in customs proceedings alleging the export of **dual-use goods** without prior export classification.
- Advising a client on compliance with EU and German export controls laws in relation to exporting **aeronautics goods** to and providing technical assistance for goods located in an embargo country.
- Advising an international company on the EU and national export control rules governing the export of certain **car paints** to a military in the Middle East.
- Advising an international company on the EU and national export control rules governing the export of certain **coatings for airplanes** to an Indian aeroplane manufacturer.
- Advising two major **private equity funds** in the context of their proposed acquisitions and performing due diligence on acquisition targets in the **oil** and **IT** sectors to establish these targets' compliance under EU and relevant national export controls and **sanctions** laws.
- Advising a major international **commodities** trader regarding compliance with the EU Sanctions Regime applicable against Ivory Coast at the time.
- Advising a major international **shipping** company regarding the application of the EU Iran Sanctions Regulations to this company's insurance and reinsurance contracts.
- Advising a major EU **oil refining company** on compliance with EU Iran sanctions of payments to an Iranian crude oil supplier.
- Successfully representing a Singaporean **Shipping** Company before EU Courts in a legal challenge of this company's listing under the EU Iran sanctions.

- Advising a major international **sport association** with regard to the listing of a **football** club under EU sanctions regulations applicable against Belarus and on the scope of the "cultural exemption" of the Treaty for the Functioning of the EU.
- Terminating the EU anti-dumping duties against large **industrial scanners** originating in China.
- Obtaining a zero EU anti-dumping duty for an Indian **stainless steel producer** and the minimum EU dumping duty for another Indian stainless steel produce.
- Representing as leading counsel in a landmark EU Court of Justice case which resulted in the annulment of EU antidumping duties on a major Chinese origin **fertiliser**.
- Representing two major Indian and Taiwanese **producers of CD-Rs** in an interim review that resulted in the repeal of the EU anti-dumping measures on CD-Rs from Taiwan and the anti-subsidy measures on CD-Rs from India.
- Terminating the EU anti-dumping investigation into **colour television picture tubes** from China.
- Terminating the EU antidumping duties on large **aluminium electrolytic capacitors** from Japan and the USA.
- Obtaining EU General Court annulment of EU antidumping and countervailing duties on **stainless steel bright bars** from India.
- Terminating three EU anti-subsidy investigations against **bicycles**, certain **plastic fibres** and **stainless steel** products respectively from China.
- Assisting third parties in the WTO Panel and Appellate Body Dispute Settlement Proceedings concerning EU and US measures affecting trade in **large civil aircraft** (the famous Airbus – Boeing disputes).
- Representing several Indian producers in proceedings before the EU General Court for the annulment of EU countervailing duties imposed on imports of Indian **stainless steel bright bars** successfully.
- Advising a WTO Member government on the handling of **textiles and clothing** disputes with the EU following the withdrawal of quotas on EU imports of such products.
- Advising a government regarding safeguard measures adopted by the EU against imports of basic steel products such as hot **rolled coils and quarto plates**.
- Providing legal advice to a WTO Member government on the WTO-compatibility of EU actions in the framework of the EU's anti-dumping and anti-subsidy investigations into **solar panels** (crystalline silicon photovoltaic modules and key components) originating in or consigned from China.

- Advising successfully on Dispute Settlement Consultations with the EU against the continuing imposition of EU anti-dumping duties against **hot-rolled coils** from India.
- Providing legal advice regarding the workings of the WTO Dispute Settlement Mechanism and compliance of certain anti-dumping and anti-subsidy measures adopted by the EU with WTO legal requirements with a view to initiating WTO dispute settlement procedures regarding **stainless steel bars, stainless steel wires and quarto steel plates**.
- Advising in the framework of the controversial EU anti-dumping proceeding concerning certain **footwear with leather uppers** originating in China and Vietnam.
- Advising in relation to a dispute settlement procedure between the Ukraine and the EU regarding the Ukraine's investment laws in the **car manufacturing** sector and the relevant Ukrainian State subsidies in that sector.
- Providing legal advice regarding the *locus standi* of a South-East Asian government under the WTO Dispute Settlement Mechanism in the framework of a potential WTO complaint against an EU anti-dumping regulation.
- Providing advice to governments of certain WTO Members regarding the compliance of **non-market economy status** with WTO law.
- Assisting a non WTO Member in its **accession negotiations** to the WTO over a period of 10 years.
- Advising on certain EU anti-dumping investigations and the impact of the reform of EU trade remedy laws in light of the impending recognition of China as a Market Economy Country.
- Advising on GATT Article XXIV negotiations with the EU following the EU's enlargement.
- Advising on several aspects (anti-dumping, anti-subsidy and safeguards) in the WTO Doha Round negotiations.
- Training WTO Member Government officials on how to conduct anti-dumping, anti-subsidy and safeguard investigations.

MAIN CONTACTS



Johan Billiet

info@billiet-co.be

Johan is the founder of Billiet & Co and has over 40 years of experience in complex litigation, arbitration and Belgian commercial law at the Brussels Bar. He is admitted with the Belgian Supreme Court (*Cour de Cassation*) for criminal cases. He is the Chairman of the International Arbitration Court under the European Arbitration Chamber, the founder of the Association for International Arbitration, and the author of numerous books and articles. He lectures investment arbitration, dispute resolution and comparative arbitration at the Faculty of Law and Criminology of the Vrije Universiteit Brussel. He obtained a masters in maritime law at Antwerp University and previously lectured financial law and corporate restructuring at EHSAL. He is a bankruptcy liquidator and a deputy judge. Johan works in French, English and Dutch.



Dr. Dilyara Nigmatullina

dilyara.nigmatullina@billiet-co.be

Dilyara is an arbitration and mediation consultant. She obtained an LL.M. in International Commercial Arbitration Law from Stockholm University and a PhD degree in international dispute resolution from the University of Western Australia. She specialises in international dispute resolution and has experience acting as an arbitrator and mediator. Dilyara also holds a position of a Supernumerary Academic Staff at the Law Faculty of the University of Antwerp. She works in Russian, English, Dutch and Spanish.



Dr. Konstantinos Adamantopoulos

konstantinos.adamantopoulos@billiet-co.be

Konstantinos is an Attorney at Law and member of both the Brussels and Athens Bars. He specialises in EU competition, EU regulatory, trade, State aid and has extensive experience in litigation, representing governments and corporate entities before the European Commission, the Court of Justice and the General Court of the European Union, as well as in dispute settlement proceedings before WTO institutions. He has been the managing partner of major UK law firms and works in German, French, Greek and English.



Maarten Bentein

maarten.bentein@billiet-co.be

Maarten is an Attorney at Law and member of the Brussels bar. His areas of expertise include litigation, commercial insolvency law, bankruptcies and alternative dispute resolution. He provides legal services for expats and international companies in Belgium and has a special interest in the Spanish market. Maarten is a bankruptcy liquidator and is frequently appointed as an arbitrator in commercial disputes. He works in Dutch, English, French and Spanish.



Philippe Billiet

philippe.billiet@billiet-co.be

Philippe is an Attorney at Law and member of the Brussels Bar. He obtained his LL.M. in International Economic Law at the University of Warwick and lectures conflict resolution tools and strategies at Brussels VUB University. Philippe was one of the first mediators to obtain the EMTPJ (European Mediation Training for Practitioners of Justice) certification and frequently intervenes in matters that have a diplomatic dimension. He is vice-president of the *chambre d'arbitrage d'experts*, is a registered arbitrator with numerous institutions worldwide and is member of the advisory board to the Brussels Diplomatic Academy. He works in Dutch, French, English, speaks German and has notions of Polish.



Vladimir Lincautan

vladimir.lincautan@billiet-co.be

Vladimir is an Attorney at Law and member of the Brussels Bar. He frequently intervenes in complex corporate and international trade transactions and has extensive experience in handling high-value, complex, multi-party, multi-jurisdictional disputes in CIS and EU jurisdictions. He works in Dutch, French, English, Russian, Ukrainian and Romanian.