

Antitrust

Antitrust law, in Germany anchored in the Act against Restraints of Competition (GWB), should prevent the restricts of competition by means of agreements, mergers and other anti-competitive conduct. The law protects freedom of competition and its participants in the marketplace. The national antitrust law was revised some time ago to conform to European competition rules (Article 101 et seq. of the Treaty of the Functioning of the European Union, TFEU).

While the right to State Aid (Art. 107 et seq. TFEU) concerns anti-competitive conduct of a country and its institutions, EU antitrust law concerns business conduct which can arise in misuse of a market-dominant position and in agreements and behaviours restricting competition. Competition within the domestic market should be protected against distortion. For this, EU antitrust law is also immediately applicable by individual authorities and courts. It directly **affects member states' administrative and legal practices.**

We advise you

- especially with antitrust questions in grid-related markets (railways, electricity, gas, telecommunications and post),
- concerning the delivery of anonymous, relevant advisories concerning illegal agreements,
- in confidential discussions with regard to the bonus provisions of the Federal Cartel Office (witness leniency programme) with the Special Commission for Combating Cartels (German SKK),
- **concerning accusations of participation in a "hardcore" cartel (agreements over prices, market share, customers, territories),**
- concerning other agreements among competitors or contracts between suppliers and buyers (so-called vertical agreements),
- in proceedings concerning fines,
- for questions concerning exemption from antitrust prohibitions against agreements for a common purchase, for reciprocal specialisation, for joint production or joint research and development,

- in special EU proceedings over antitrust cases extending beyond national boundaries:
 - for the questioning of a natural and a judicial person, who are possibly in possession of useful information concerning a supposed infringement of Articles 101 and 102 TFEU,
 - for imposition of monetary fines against companies which have issued misleading statements, or have refused to allow verifications, or have broken the seal used by Commission officials (Article 23, Paragraph 1 of Regulation (EU) No. 1/2003),
 - for provisional measures and non-applicability resolutions under Articles 8 and 10 of Regulation (EU) No. 1/2003.

We represent you in all disputes before the Federal Grid Agency, the Special Commission for Combating Cartels, the Federal Cartel Office and the antitrust authorities of the German states, the EU Commission and all courts of law.

For further information, please contact your legal advisor at BSU Legal.