The European Antitrust and Competition Law Practice
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The key to Hammonds LLP’s Antitrust and Competition Law Practice is its breadth and versatility, as well as the quality and experience of its members.

Hammonds guarantees a full-service offering in most of the major EU jurisdictions.

In a decentralised environment, the unique service to clients provides a “one-stop-shop” for antitrust, competition and trade law advice in Europe.

For our trade experience please refer to our separate Hammonds’ Trade Law Practice brochure.
Defence and attack

Compliance with competition rules is a necessity for all companies operating in Europe. Failure to observe the rules can lead to, among others, lengthy and costly investigations and the imposition of fines of up to 10% of worldwide or national turnover, and in many countries there are also personal sanctions. Agreements that infringe competition law are void and unenforceable and may give rise to actions for damages before national courts by aggrieved third parties.

Competition rules can be used not only as a shield, but may also be a valuable commercial sword to enable businesses to open up markets to effective competition.

Hammonds, therefore, provides its clients with both a shield and a sword to protect their businesses.

“Hammonds by far exceede our expectations. The Hammonds team thinks out of the box, delivers outstanding relevant and practical strategic advice and knows how to successfully implement it before national courts and the European Commission.”

Ms E. Dimou: CEO
GS1 Hellas, 2009.
Breadth and depth

The team is led by EU and national antitrust and competition law specialists from the firm’s Brussels, London and Manchester offices. It also comprises specialists in the firm’s offices in Germany and Spain and its associated offices in France and Italy.

The firm has antitrust specialists qualified in all of the above jurisdictions, as well as Ireland, Belgium, Austria and Greece.

Hammonds’ competition law team has established excellent professional relations with the European Commission and national competition authorities across Europe.

Hammonds’ reputation is well respected. Indeed the firm has regularly been instructed to represent the European Commission in antitrust matters, including State aid control before the European Courts.

These contacts provide members of the team with a thorough understanding of the priorities and policy objectives of the competition regulators, which is essential in advising effectively in this field.

“Hammonds is at the cutting edge of developments in the competition sector in general and in particular in the State aid field. Hammonds has consistently offered us groundbreaking legal advice in the field of antitrust and State aid. Hammonds managed to get clearance by the European Commission of EUR 396 million for OTE to cover part of the Voluntary Retirement Scheme of our Company, which helps us become more efficient as a global player in the provision of telecommunication services. The result is evidence that Hammonds can move mountains for its clients and dedicates its quality and time to run miles to achieve its clients goals.”

Costas Ploumpis: Head of Legal and Regulatory.
Hellenic Telecommunications Organisation (OTE) - November 2007

“Hammonds’ expertise in handling the OFT and regulatory process ensured a smooth clearance for our transaction. We were impressed by Hammonds’ ability to focus on the strategic issues, as well as on the detail.”

David Rasche: Executive Chairman.
SSP - December 2007.
Unique features

The “one-stop-shop”
The multi-lingual and multi-jurisdictional nature of the Hammonds’ antitrust and competition law team, encompassing the network of European offices within Hammonds and its associated and affiliated firms enables the firm to provide seamless antitrust and competition law advice across the different Member States of the EU. This is vital not only for cross border mergers and acquisitions, but also following the decentralised enforcement of European competition rules.

Merger control
Hammonds regularly advises merging parties or third parties in merger control proceedings before the European Commission, Office of Fair Trading (OFT) and Competition Commission (CC) in the UK, the German Federal Cartel Office and national merger control authorities in other EU Member States, including France, Italy, Spain, Ireland, Belgium, Austria and Greece. We also regularly advise clients on mergers outside the EU, including in particular, Asia and Eastern Europe.

Cartels and Leniency
Hammonds represents clients in proceedings before the European Commission, the OFT and other national competition authorities, including France, Germany and Italy and/or on appeal before the European Courts. Cases include, inter alia, the following: cement, recruitment agencies, steel beams, carbonless paper, Greek Ferries, Belgian banks, Irish banks and Norwegian gas (GFU).

Hammonds regularly advises clients in successfully securing full immunity from fines using the EU and national leniency instruments for co-operation in antitrust investigations. Hammonds’ legal expertise in this area is reinforced by its ability to offer clients forensic IT evidence-gathering services, highly important for firms considering lodging a leniency application and responding to detailed information requests from competition authorities.

Hammonds’ litigation experience
Hammonds is consistently engaged in high-profile litigation before the European Courts in all areas of antitrust. With the support of the Commercial Dispute Resolution Department, Hammonds is ideally placed to handle competition-related litigation before national courts as well as in arbitration or mediation proceedings.

Hammonds uses antitrust law creatively to serve the commercial interests of its clients, whether defending them when accused of breaching the competition rules, or advising them on using the rules to redress infringements that have an adverse impact. For example, in a recent out of Court settlement, Hammonds secured compensation in excess of EUR 5 million for a client active in the electronics industry.
Compliance
Hammonds regularly advises clients on the implementation of national and pan-European antitrust compliance programmes, including auditing, training and setting up of strategies to respond and effectively deal with dawn raids. In particular, clients find it invaluable to avail themselves of Hammonds’ ‘mock’ dawn raid training and our experience is that clients’ staff find this very helpful in preparing for the real thing.

Hammonds, being on both sides of the fence, prides itself for being instructed by the European Commission’s Legal Service to represent it in litigation before the European Courts. This rare experience gives Hammonds an invaluable insight into the workings of the institutions.

All-round State aid lawyers
Hammonds has acted and continues to act for actual or alleged recipients of State aid, complainants, awarding authorities and Governments and also the European Commission. This provides the widest possible experience from which to deliver the best practical and commercial advice.

Multi-disciplinary
Hammonds places great importance on integrating its competition law experience with other areas of legal discipline and sector familiarity and knowledge.

In particular, Hammonds advises on the interface between competition law and intellectual property and in particular, it is very experienced in advising both EU- and non-EU clients on the impact of the REACH legislation for chemical manufacturers and importers; the relationship between competition law and international trade rules; and sectors such as chemicals, pharmaceuticals, metals, automotive, biotechnology, consumer goods, media, IT, telecoms, textiles, financial services, transport and sport.

Hammonds regularly advises major clients in certain regulated sectors, with particular emphasis on telecommunications, air transport, media, sports, energy, chemicals and postal services.
Hammonds has a strong reputation and in-depth expertise in advising corporates in seeking merger control clearances before the European Commission and national competition authorities. Indicative examples include:

**Notifications before the European Commission**

**Alba/Beko/Grundig**: Notification to the European Commission of the acquisition of joint control by UK Company Alba plc and Turkish company Beko Elektronik A.S. of the consumer electronic division (Home Intermedia Systems Business) of German company Grundig AG.

**BHP Billiton/Rio Tinto**: Advising a third party intervening in the EU merger control investigation related to the proposed merger of BHP Billiton and Rio Tinto. Hammonds worked closely with a team of economists to draft responses to Phase I and Phase II questionnaires from the European Commission, and advised on strategic interaction with MOFCOM in China as well as monitoring the filing proceedings in the United States, South Africa and Australia. The proposed merger was ultimately abandoned by the buyer.

**Conoco/Enterprise oil**: Advice and representation on behalf of a third party in merger control proceedings before the European Commission in relation to the competitive impact of a transaction on pipeline management and ownership in the North Sea. Hammonds achieved a decision containing commitments to ensure non-discriminatory and transparent access for its clients to the relevant pipeline.

**Delta/Pan-Am**: Notification to the European Commission of Pan-Am’s acquisition of the European operations of Delta and successfully obtaining approval after an in-depth Phase II investigation.

**Fiat/Unicredito Italiano/Euro capital structures**: Notification to the European Commission of the acquisition of joint control by Fiat Geva Europe Ltd., belonging to the Fiat Group and UniCredito Banca Mobiliare Italiano S.p.A. belonging to the UniCredito Italiano Banking Group of Euro Capital Structures Ltd., active in the international securitisation (financial services) market, by way of purchase of shares.

**Illinois Tool Works Inc. bid for Enodis PLC**: Advising ITW on the EU and non-EU merger control aspects of its US$ 2.1 billion bid to acquire Enodis PLC (professional kitchen equipment manufacturer).

**INEOS**: Notification to the European Commission of the creation of a joint-venture between INEOS, the world’s third largest chemicals company, and Champagne Céréales and C. Thywissen GmbH to be set up in France for the manufacture of bio-diesel and related by-products.

**INEOS Chlor**: Advising INEOS in responding to a gun-jumping investigation launched by a European Commission dawn raid on 12 December 2007. The European Commission suspected that the parties to the INEOS/Kerling concentration had implemented the deal prior to clearance and that they had also consequently coordinated their behaviour on the market in breach of both the EC Merger Regulation (ECMR) and Article 81 of the EC Treaty. The European Commission eventually closed the case at the end of January 2008, accepting that the claims of early implementation “proved to be unjustified”.

**Jabil/Philips**: Notification to the European Commission of the acquisition of 9 PCB manufacturing facilities of the Dutch company Philips by Jabil Circuit Inc., an American EMS provider for, inter alia, the telecoms, computer and automotive industries.

**Metinvest/SMART**: Advising on a multi-billion dollar joint venture between a CIS mining and steel conglomerate and a Russian-based group. The joint venture required Form RS and Form CO filings at the European Commission as well as a number of filings outside the EU.
Toll Collect: Advising an interested third party in Phase II merger control proceedings before the European Commission in relation to the establishment of a joint venture between Deutsche Telekom, DaimlerChrysler and Cofiroute to be responsible for the operation of an electronic toll collection system for heavy trucks in Germany. Our client opposed the transaction which was eventually cleared but for whom we obtained the imposition of very strict conditions on the merging parties.

Notifications before national competition authorities

Ainscough Crane Hire: Advising Ainscough on the merger control aspects of its acquisition of James Jack Lifting Limited, a Scottish-based light mobile crane operator. This involved advising Ainscough on the advisability of notifying the OFT, preparing and filing an informal submission to the OFT and handling all follow-on queries from the OFT until the OFT adopted its no-reference decision (on 16 June 2008).

BV Deutsche Zeitungsholding GmbH: Advising BV Deutsche Zeitungsholding GmbH, owner of Berliner Verlag, which publishes a number of leading regional daily newspapers and magazines, in an application to the European Commission under Article 4(4) of the ECMR to refer the acquisition of a 45% stake in BerlinOnline Stadtportal GmbH & Co KG, operator of the regional Internet portal BerlinOnline.de, to the German Bundeskartellamt. As a result of the acquisition of the 45% stake from Gruner & Jahr AG & Co KG, Veronis Suhler Stevenson, a private equity investor specialising in the media industry and owner of BV Deutsche Zeitungsholding GmbH & Co KG together with Landesbank Berlin Holding AG. After successful application for referral the deal was notified to the German Bundeskartellamt and subsequently cleared without any undertakings.

Gilde/Arovit: Notification to the German, Austrian and Norwegian competition authorities of the acquisition of Danish company Arovit Holding ApS, a producer of private label petfood, by Gilde Buy Out Management Holding B.V., a private equity investor specialising in management buy-out investments.

INEOS Chlor/BOC: Advising INEOS on the UK merger control aspects of the disposal of its packed chlorine business to BOC. Hammonds represented INEOS Chlor before the OFT and subsequently before the Competition Commission. This matter was one of the first cases to involve the application of the OFT’s new de minimis criteria and led the OFT to clarify a number of important features of its approach to de minimis. The complexity of the issues involved is illustrated by the Competition Commission having extended the review period by the additional 8 weeks available to it, in particular to fully consider the remedies submitted by the parties (although ultimately the Competition Commission decided to prohibit the transaction).

Jabil/Marconi: Notification to the Italian, German and UK competition authorities on behalf of Jabil Circuit, Inc., an American electronic manufacturing services provider, concerning the acquisition of five manufacturing operations of the UK company Marconi plc.

Lucite: Advising Lucite and its owners on merger control issues arising from the US$1.6 billion sale of Lucite to Mitsubishi Rayon Co. Ltd. The transaction signed on 11 November 2008 and Hammonds advised Lucite on the merger control aspects of the transaction, including in securing clearances in Spain, Portugal, Turkey, Germany, South Korea, Taiwan and China. The Chinese clearance, obtained at the end of April 2009, followed an in-depth Phase II investigation by Mofcom and was conditional on a detailed remedies package - given that the Chinese merger control rules only came into effect in August 2008, this was a groundbreaking transaction in terms of the merger clearance.
Live Nation/Hamsard/AMG: Submission of merger filing to the OFT in respect of the proposed acquisition of the Academy Music Group by a joint venture between Live Nation and Gaiety, including advising on proceedings before the OFT and subsequent Competition Commission investigation. This transaction was finally cleared subject to certain divestments.

Manpower: Notification to the Italian, French and German competition authorities of the acquisition of US company Right Management by US company Manpower Inc., a global human resources services provider. Clearances were obtained within a very tight timescale.

Metinvest: Advising on the purchase of a group of American coalmines by a CIS mining and steel conglomerate. The transaction required merger control and regulatory approval in Serbia, Bulgaria, Ukraine, Italy and the United States.

Pernod Ricard/V&S Vin & Spirit: Advising a third party intervening in the merger investigation of the acquisition by Pernod Ricard of V&S, a transaction that was ultimately approved only with substantial remedies.

Stream Telepiu: Assisting the European Cable Communications Association (ECCA) in its intervention as third party in the merger control proceedings before the Italian competition authority regarding the proposed concentration between two Italian pay TV operators. The Italian competition authority cleared the concentration imposing all the conditions and obligations required by ECCA.

Thomson S.A./News Corporation Limited: Assisting French company Thomson S.A. in the notification to the German, Italian, Polish, French and Spanish competition authorities concerning the sale of the Media Highway Business Division of its subsidiary Canal+ Technologies S.A., active in the market for the provision of technical services for Pay TV, to UK company NDS Group plc, a subsidiary of American company News Corporation Limited. The deal was cleared in all jurisdictions without undertakings.
Hammonds has been at the forefront of developments in the antitrust field and is regularly called upon to advise on high profile and landmark cases. Indicative examples include:

**Barratt Developments:** Advised Barratt on its involvement in the OFT’s market study into homebuilding in the UK, including assisting Barratt in formulating its strategy and advising on all written and oral representations to/before the OFT.

**Conoco:** Advising Conoco on the compatibility under Article 81 of the EC Treaty of several co-operation and joint-venture agreements with competitors relating to human resource and logistical support management of oil/gas extraction and transportation in the North Sea.

**Consumer Electronics:** Filing a successful complaint with DG Competition in parallel with UK national litigation against two major electronic manufacturers and holders of the relevant intellectual property rights, and conducting the process through to settlement.

**Gazprom:** Advising Gazprom on the application of EU competition rules to long term gas supply agreements in Europe taking into account stranded costs, return on investment and security of supply issues. Also advising Gazprom concerning the EU competition and regulatory framework in relation to access to pipelines in a non-discriminatory and transparent manner.

**GFU:** Advising a Norwegian gas producer in proceedings initiated by the European Commission concerning alleged anti-competitive practices related to the joint selling of gas to customers in the EEA.

**Motor vehicle distribution:** Successfully representing a European manufacturer and distributor of motor vehicles against a complaint lodged with a national competition authority of a Member State concerning the purchase and distribution of original spare parts by dealers of its selective distribution network. The complaint alleged breach of Article 81(1) EC Treaty and non-compliance with the European Commission’s block exemption regulation applicable to vertical agreements in the motor vehicle sector. The investigation was closed.

**OTE/Cosmote:** Successfully defending the Greek telecom incumbent and its mobile subsidiary against a complaint lodged with the European Commission concerning allegations of potential abuse of a dominant position in the Greek mobile telephony market.

**US Airways:** Advising this major US airline on all aspects of the application of EU competition rules, including application of the air transport regulatory framework, concerning market access in the EEA.
Hammonds is one of the leading firms in the State aid area, a practice it has developed over the last seventeen years. Hammonds provides its clients with ground breaking State aid advice and successfully represents both Governments and corporate clients before the European Commission and the European Courts. Indicative examples include:

Advising an interested third party intervening in the European Commission’s detailed investigation of the grant of State aid to Dell by the Polish Government, including the submission of preliminary and follow-up papers, and conducting a meeting with the Commission Head of Unit, case team, and members of the Chief Economist’s Office.

**Dell Poland:** Advising an interested third party intervening in the European Commission’s detailed investigation of the grant of State aid to Dell by the Polish Government, including the submission of preliminary and follow-up papers, and conducting a meeting with the Commission Head of Unit, case team, and members of the Chief Economist’s Office.

**Emporiki Bank and Bank of Piraeus:** Successfully advising the Greek Government and those two major Greek banks on the reform of the Greek pension regime in the banking sector. The European Commission unconditionally cleared the notified scheme as not constituting State aid. This case will be an important precedent both in other Member States, as well as in other sectors of the Greek economy.

**Goldmines:** Advising a major goldmine undertaking, Hellas Gold S.A., and its major shareholder, the Canadian undertaking European Goldfields Ltd., in a Phase II State aid investigation initiated by the European Commission alleging the acquisition of certain assets below market value.

**Government/Governmental agencies:** Advising with regard to State aid in the electronic telecommunications sector and in particular with regard to broadband and in drafting legislation with regard to temporary State aid support in dealing with the financial crisis.

**Hellenic shipyards:** Representing the Greek Government in a Phase II European Commission State aid investigation into the Hellenic Shipyards in Greece. This case raises many novel issues from a State aid perspective, in particular as regards the relationship between the usual State aid procedure and the procedure under Articles 296-298 of the EC Treaty. In addition, it tackles the issue of warranties and indemnity clauses granted by the State as the seller during the privatisation procedure.

**Major European banks:** Advising major European banks with regard to the various forms of aid available dealing with the financial crisis.

**Olympic Airways:** Advising the European Commission in its assessment of the payment of tranches of State aid to Olympic Airways. This case has involved detailed consideration of Olympic’s complicated social and economic restructuring efforts, in its attempt to become a modern and profitable airline.

**OTE-Voluntary Retirement scheme (VRS):** Successfully representing the Hellenic Telecommunications Organisation (OTE) before the European Commission in a Phase II investigation of OTE’s early voluntary retirement scheme, which resulted in a landmark decision by the Commission, declaring the measure under investigation compatible with the common market. This is the first Commission decision in the State aid sector confirming the relevance of Combus case law when assessing State measures aimed at neutralising structural disadvantages of former national monopolies.
Regional Development Agencies (UK): Advising several UK Regional Development Agencies, notably Advantage West Midlands, Yorkshire Forward and London Development Agency, in various projects, particularly regeneration-based, involving diverse State aid advice regarding the application of block exemption Regulations, various prior-approved national schemes funding, and various State aid guidelines of the European Commission such as those for environmental aid, regional aid, restructuring and rescue aid, research and development aid and aid for risk capital.

Services of General Economic Interest: Advising a European trade association in a regulated sector on a number of complaints before the European Commission and European Courts, regarding the Commission’s practice and current guidelines in respect of SGEIs. Our work included preparing a policy paper on the interpretation of Article 86 following the Altmark decision, and coordinating the interventions of a number of national associations.

SMART Group: Advising on the proposed acquisition from administration of a privatised former national champion, Kremikovtsi AD, a Bulgarian metallurgical plant. Our work included advising on the buyer’s exposure to a multi-million Euro recovery order in respect of restructuring aid that the plant had received, as well as on the viability of applying the failing firm defence in the context of merger control proceedings.

UPM-Kymmene – aid for newsprint: Advising this major Finnish paper group in a Phase II in-depth State aid investigation regarding aid for newsprint production in North Wales and securing the majority of funding requested. This involved the controversial application of the Commission’s guidelines for environmental aid and the ‘polluter pays’ principle.
Hammonds regularly represents clients before the European Court of First Instance, the European Court of Justice and national courts and tribunals in high profile litigation in all aspects of Community law including EC regulatory, antitrust and State aid.

**Albania Mobile Communications/Cosmote:** Advising the second largest mobile operator before the Albanian Competition Authority against allegations of abuse of a dominant position by way of excessive pricing in retail. Subsequently advising the same company on its appeal before the Albanian Courts against the final decision imposing a fine for abuse of dominance.

**BEUC/motor vehicle distribution:** Successfully representing BEUC (the European Consumer’s Union) in an action before the European Court of First Instance against the European Commission for failure to give due consideration to a complaint filed with the Commission relating to the EC Motor Vehicle Block Exemption Regulation and to a number of other complex competition law issues.

**British Midland:** Successfully representing this major European airline in a landmark action before the European Court of First Instance concerning the annulment of the European Commission’s decision to approve FF 20 billion of State aid to Air France.

**European Broadcasting Union:** Representing the Spanish public television broadcaster RTVE and, subsequently the European Commission, in an action before the European Court of First Instance and then on appeal to the European Court of Justice, against the Commission’s authorisation of the European Broadcasting Union’s acquisition of transmission rights for the broadcasting of sports events in Europe (the EBU system).

**Greek Cotton Board:** Representing the Greek Association of cotton ginners before the European Court of First Instance for the annulment of the European Commission’s decision declaring State aid granted to Greek cotton producers as partially compatible with the State aid rules.

**GS1 Hellas S.A.:** Advising the Greek member of the GS1 barcode association in a claim against GS1 before the Greek and Belgian courts (including obtaining Interim relief).

**Herakles/cement cartel:** Representing this major Greek cement producer before the European Commission in connection with its participation in an alleged Pan-European cement manufacturing cartel and subsequently representing it before the European Court of First Instance in its appeal against the level of fines imposed by the European Commission.

**Lucite:** Successfully representing this international chemicals manufacturer in proceedings before the Hamburg District Court concerning the alleged nullity of an exclusive IP licence agreement entered into with a competitor. As well as the alleged nullity of the IP licence agreement under Article 81(1) of the EC Treaty and issues surrounding the application of the Technology Transfer Block Exemption Regulation to the agreement, the case also raised complex issues in relation to the assessment of ancillary restrictions and the status of comfort letters.
Mediaset: Representing this major Italian broadcaster in its appeal before the European Court of First Instance against the European Commission’s State aid decision on digital decoders. The appeal is based on a number of grounds of annulment, such as manifest error of appraisal and law, failure to correctly appraise the economic context of the measure to promote open standards, infringement of the principles of legal certainty and legitimate expectation.

Rigoni di Asiago: Advising on a complex international IP/unfair competition litigation concerning organic Kosher food products. Our work included litigation in Italy and in the United States involving civil and criminal actions, anti-counterfeiting police dawn raids, goods seizures, customs controls and follow-up corporate actions. The litigation concerned exploitative abuse, trademark counterfeiting actions and false organic certification.

Sicilcasa: Representing an Italian bank before the European Court of Justice to contest the validity of an Italian law, also known as the “Prodi law” granting State aid to large companies in difficulties. This case was argued before the Court as a preliminary reference from the National Court.

Strinzis Lines/Greek Ferries: Representing this major Greek shipping company before the European Commission in connection with its participation in an alleged cartel on the Greece-Italy shipping route. Subsequently the company was represented before the European Court in its appeal against the level of fines imposed by the European Commission. This was the first time the European Commission classified a price fixing arrangement as a “serious infringement” as opposed to a “very serious infringement” of competition law. The key principles dealt with in this case, such as the criteria for “publicly distancing” oneself from a cartel, have been subsequently invoked in other cartel cases.

Trubowest: Representing this major Russian manufacturer and importer of seamless pipes and tubes in an action before the European Court of First Instance against the European Commission and the European Council for damage suffered by reason of the adoption of a Council Regulation imposing anti-dumping duties on certain seamless pipes and tubes originating from Russia. This case is of particular interest because of the interaction of competition and trade rules. It was argued that the European Commission and the Council completely failed to take into account, before imposing the duties, that a confirmed cartel (the seamless pipes and tubes cartel) was operating in Europe concerning the same products that were subjected to the anti-dumping investigation. Due to such illegal conduct by the Community Institutions and, in particular, the failure to consider the impact of the cartel, the client suffered substantial damage.
Regulatory/General EC law advice

Hammonds regularly advises clients in regulated industries by combining its antitrust expertise with an in-depth understanding of the regulatory issues applicable to its clients’ businesses, particularly in the media, sports, energy, telecommunications, air transport and public procurement sectors. Indicative examples include:

**General EC law advice includes:** Regularly advising clients in all aspects of gaming legislation, ensuring compliance with European Internal Market legislation, including all aspects of the free movement of goods, capital and freedom of establishment.

**Hellenic Tobacco Processors’ Association:** Advising on all aspects of the common market rules on agriculture. Hammonds currently represents this company in litigation before the Greek Conseil d’Etat.

**Hellenic Republic:** Advising the Greek Government in drafting legislation in compliance with the EC rules, including the rules on golden shares and developing policies on sovereign funds’ activities.

**OTE-Cosmote:** Regularly advising this major Hellenic Telecommunications Organization in all aspects of regulation in the electronic telecommunications sector.

**Pharmaceutical sector inquiry:** Assisting a European association in connection with the European Commission’s sector inquiry in the pharmaceutical market. The work in this case included counselling on intellectual property, with focus on patents, R&D and cross licensing, litigation and antitrust law.

**US-Airways:** Advising regularly on the air transport regulatory framework.
Hammonds has established a pan-European Dawn Raid Team to respond rapidly in the event that the Commission or a national competition authority launches a dawn raid on a firm’s premises.

The Dawn Raid Team is made up of members of the competition law team and specially trained lawyers from other departments around the firm enabling the Team to operate with the widest possible geographic reach.

Immediately upon making a telephone call to the Hammonds’ Dawn Raid Hotline (44 (0)870 839 0000) you will be directed to a member of the Dawn Raid Team trained to handle such situations, with the support of Hammonds’ specialist competition lawyers qualified in most major EU jurisdictions and beyond.

Should your worst fears be realised and the European Commission and/or NCA investigators arrive unannounced - do not panic! Ask the investigators to wait a moment as you call Hammonds via the Dawn Raid Hotline (+ 44 (0)870 839 0000). Tell the operator that you need to speak to a member of the Dawn Raid Team about an unannounced investigation into alleged breaches of competition law.

If you give the details of the location of the inspection the operator will put you through to the member of the Hammonds’ Dawn Raid Team who is located nearest to the investigation.

Hammonds will allocate a team to come to your assistance as quickly as possible, giving you advice by telephone in the interim. The lawyers attending will advise you on how to handle the investigation. On arrival they will take over the investigation on the company’s behalf. Once the raid has concluded the Team will set about constructing the company’s defence (including, for example, applying for leniency).

Because prevention is better than cure, Hammonds’ competition law team also provides a full audit service, which involves a complete analysis of the sales practices of the company to ensure that they comply with European and national competition laws. Hammonds also regularly undertakes ‘mock’ dawn raids at its clients’ premises, to give clients a ‘real life’ experience in how a dawn raid is likely to be conducted and to enable the client to practice dealing with it.

In the event that an audit uncovers serious infringements, Hammonds can advise you on applying to the European Commission or national competition authority for leniency – which can mean a reduction in fines of up to 100%.

Hammonds’ Dawn Raid contacts:

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Hammonds’ Antitrust and Competition law team

Based in Hammonds’ offices in Brussels, London, Manchester, Berlin, Munich and Madrid and its associated offices in Paris and Rome, Hammonds’ antitrust and competition law team provides one of the best and most respected pan-European antitrust and competition law services in Europe.

Hammonds has a wealth of expertise and experience advising clients on all aspects of EU and national competition laws. Hammonds represents its clients before the European Commission, national competition authorities, national regulators and national and European Courts.

The team is headed by Dr. Konstantinos Adamantopoulos, Tom Pick and Riccardo Croce in Brussels and Diarmuid Ryan in London and Manchester.

Hammonds has qualified competition specialists in almost every EU jurisdiction.

More information is available online at www.hammonds.com
Dr. Konstantinos Adamantopoulos
MANAGING PARTNER OF THE FIRM'S BRUSSELS OFFICE AND HEAD OF THE EU, COMPETITION, TRADE & REGULATORY PRACTICE

Konstantinos is the Managing Partner in the firm’s Brussels office and EU, Competition, Trade & Regulatory Unit. He has been with the firm since 1993. He qualified as an Attorney at Law, “dikigoros” in Greece, having obtained his law degree from the University of Athens, and then his Certificate on European Integration and his Doctorate (magna cum laude) from the Universität des Saarlandes. Konstantinos has been practising law since 1984. He is a member of the European Trade Law Association and is the Vice-President of the Belgian-Hellenic Chamber of Commerce. He has advised the European Commission on State aid and has represented a number of major shipping, manufacturing and air transport companies in matters relating to competition rules and merger control. Most notably he successfully challenged aid received by Air France before the Court of First Instance and, in another case, the Commission’s failure to give due consideration to a complaint filed by BEUC concerning motor vehicle distribution. He is fluent in Greek, German and English and has a working knowledge of French.
Tom Pick
PARTNER

Tom is a Partner in the firm’s Brussels office and EU, Competition, Trade & Regulatory Unit, responsible for the office’s competition practice. He is a German Rechtsanwalt who joined the firm’s Brussels office in 1997. He obtained his German law degree at the Rheinische-Friedrich-Wilhelms Universität in Bonn and the Universität des Saarlandes in Saarbrücken with a strong emphasis on European law, followed by a Masters at the University of Edinburgh. Tom is a member of the German Bar, the German-British Jurists’ Association and the Studienvereinigung Kartellrecht e.V. He specialises in all aspects of EU and German competition law. His recent experience includes acting for an American electronic manufacturing services provider concerning the acquisition of various manufacturing operations across Europe where he successfully handled the German merger filing. Tom also has extensive experience in devising and implementing competition compliance and training programmes, including dawn raid training, which he has successfully applied to a number of leading clients of the firm. He has also recently represented a European credit institution in a merger filing to the European Commission where clearance was successfully obtained. He is the co-author of the book, An Anatomy of the Merger Regulation, which has been published by Kluwer Law International. He is fluent in German and English, with a good knowledge of French and Dutch.

Diarmuid Ryan
PARTNER

Diarmuid is a Partner in our EU, Competition, Trade & Regulatory practice based in our London and Manchester offices. He studied at Emmanuel College, Cambridge and the College of Europe, Bruges before qualifying at Berwin Leighton Paisner in 1998. Diarmuid subsequently worked at Baker & Mackenzie, between 1999-2003, and joined Hammonds in 2007 from Freshfields Bruckhaus Deringer, where he specialised in all aspects of EU and UK competition law. His expertise includes merger control, behavioural investigations by the UK regulators and the EU Commission, joint ventures and strategic alliances, and advising on the competition aspects of various types of commercial agreements such as distribution agreements, technology transfer agreements and research and development and specialisation agreements. Diarmuid has also specialised in competition compliance advice, including advising on compliance programmes and dawn raid programmes, devising and undertaking competition compliance audits and devising and undertaking mock dawn raids. Diarmuid is a Member of the Competition Advisory Panel at the Confederation of British Industry. Diarmuid speaks English, French, Irish and conversational Italian.
Riccardo Croce
PARTNER

Riccardo joined Hammonds in April 2008 after having worked with Howrey LLP in Brussels for six years. Riccardo also served as a case team member of the Merger Task Force at the European Commission’s Directorate-General for Competition, where he co-handled numerous high profile investigations of international mergers, acquisitions and joint ventures. During his tenure at the European Commission, Riccardo was a member of the Remedy Unit where he co-drafted the standard texts for divestiture commitments and the standard trustee mandate and, in parallel, he also conducted a study on the use of arbitration within antitrust and merger proceedings. While practising as a competition lawyer in Italy, Riccardo assisted domestic and international corporations dealing with the Italian competition and regulatory authorities. Riccardo graduated from the University of Rome and went on to obtain a Masters in International Trade and Competition Law and a post-graduate diploma in Economics in Competition Law from Kings College London. Riccardo also gained a number of IP-related diplomas under the aegis of the WIPO, the OAMI and the Italian Trademark and Patent Office. Riccardo specialises in EU and national competition, regulatory and intellectual property law, and he is also increasingly involved in trade-related matters. Riccardo’s experience in the antitrust field covers a range of markets including information technology, internet, consumer electronics, microprocessors, PCs, new and traditional media, pharmaceuticals, steel, chemicals, aerospace, defence, financial services, beverages, pet food, FMCG, telecoms and utilities. He has assisted multinational corporations in connection with multi-jurisdictional and transatlantic mergers and alliances, exclusive and selective distribution agreements, parallel trade, technology transfers, patent pools, patent disclosures to SDOs and interaction with patent offices, selling and discounting practices, package deals, standard and R&D agreements, as well as cartel work, including compliance and dawn raid programmes. Riccardo represents his clients within administrative and judicial proceedings before the European Commission, European Courts in Luxembourg, national competition authorities and national courts in the EU and beyond, including in the United States. Riccardo speaks Italian, French, English and Spanish.

Prof. David O’Keeffe
EMERITUS COUNSEL

Prof. O’Keeffe, a leading personality in Europe in the area of EU Law, is a Counsel on EU Affairs in Hammonds’ Brussels office. David joined the firm in 1998. He is a Professor of European Law at the University of London, the College of Europe, Bruges and Warsaw, and a visiting Professor at numerous Universities including the University of Siena and University College, Dublin. He obtained his law degree and his Masters at University College, Dublin, and trained as a solicitor in Ireland. He also obtained a Masters in law at Yale, USA, and a doctorate in law at the University of Leiden, The Netherlands. He has been lecturing and practising EU law for 27 years. David has edited numerous periodicals on EU law and has written over 200 books and articles on the subject. He has brought cases before both the European Court of Justice and the European Court of First Instance. He was a member of the European Commission’s High Level Panel (Veil Report). He is an advisor to the House of Lords Select Committee on the EU and was Vice-Chairman of the Lord Templeman Inquiry into EU Border Controls. He has advised the European Parliament Committees on Civil Liberties and Justice and Home Affairs, has been a consultant to the European Ombudsman and an advisor to the Netherlands’ Presidency of the EU on the Amsterdam Treaty. He was a member of the Conciliation Board of the European Space Agency. He speaks English, French, Italian and Dutch.
Vassilis Akritidis
COUNSEL

Vassilis is a Greek-qualified Attorney at Law, "dikigoros", who joined the firm in 1994. He studied Law in Thessaloniki, Greece and subsequently obtained a Master's degree on EU Law from the Institute of European Studies (ULB) in Brussels. Prior to joining the firm, Vassilis was a trainee in the State aid Unit of DG Competition of the European Commission. He then founded a consulting firm in Brussels and in 1994 he joined this firm as a general EU practitioner with an emphasis on competition law, including State aid. From the late nineties, Vassilis has specialised in international trade law and competition law with an emphasis on State aid and was instrumental in our anti-dumping practice, dealing with EU investigations against India, Thailand, Japan, Korea, Taiwan, USA, Russia, Ukraine and Latvia. Vassilis now heads Hammonds' Anti-Dumping Unit. He has extensive experience in handling trade defence investigations including anti-dumping, anti-subsidy and safeguards on behalf of European, Asian and American clients and he is also advising Governments on WTO law and practice. Vassilis has represented several corporate clients and Governments in EU antitrust proceedings, trade defence proceedings before the European Commission and other jurisdictions and before the European Courts in Luxembourg and the European Court of Human Rights in Strasbourg. He is a regular writer and speaker on trade remedies under the WTO and the EU legal orders. He is fluent in Greek, English and French.

Nicola Clark
SENIOR ASSOCIATE

Nicola is a lawyer in the firm’s Manchester and London offices and EU, Competition, Trade & Regulatory practice. She read Modern Languages (French and German) at Exeter University (BA-Honours) and Law at the College of Law (London). Nicola gained a Distinction in the Kings College London Competition Law Postgraduate Diploma in July 2005. Nicola worked at the European Commission (DG Internal Market) before qualifying at Slaughter and May in 2002. Nicola subsequently worked for 3 years at Freshfields Bruckhaus Deringer in London, where she specialised in antitrust. Her experience includes advising major UK companies on cartel investigations by the OFT (including participating in a dawn raid and subsequent leniency application), as well as undertaking merger filings before the European Commission and UK competition authorities. She has extensively advised UK corporates on the competition aspects of commercial transactions and has designed and implemented competition law compliance programmes. She has particular expertise in the retail and engineering sectors and also spent months in the in-house legal team of a major payment system before joining Hammonds in October 2007. She speaks English, French and German.
Alessandro Nucara
SENIOR ASSOCIATE

Alessandro is an Italian qualified avvocato. He obtained a law degree from La Sapienza University of Rome with a degree thesis in EU law. After having worked at Tosato law firm in Rome, he obtained a Master’s degree in European Legal studies at the College of Europe (Bruges). He worked with Stanbrook & Hooper in Brussels from 2000 to 2003 covering all aspects of EU law and, in particular, EU competition law. Alessandro joined Hammonds in January 2004 and his work covers all aspects of EU and Italian competition law. He was based in Hammonds Rome office until March 2007, gaining significant experience in Italian antitrust law. He is now based in Brussels, dealing with EU law, competition and State aid issues. Alessandro is also a visiting professor in Law and Economics (Antitrust and State aid) at the University “Magna Grecia” of Catanzaro (Italy). He is fluent in Italian, English and Spanish.

Eliza Petritsi
SENIOR ASSOCIATE

Eliza is a Greek-qualified Attorney at Law, “dikigoros”, who joined the firm in 2003. She obtained her basic degree in law at the University of Athens Law School. Subsequently she got an L.L.M. in Commercial and Corporate Law from King’s College in London with an emphasis on Competition Law, Law of International Finance, Banking Law and Information Technology Law. Eliza also obtained a diploma in Economics of Competition law from King’s College London in 2008. Prior to joining the firm, Eliza undertook a 10-month internship with DG Competition of the European Commission in Brussels. She spent 5 months in the fiscal aid unit and participated in the enlargement and modernisation of the State aid teams. During the remaining 5 months, Eliza worked in the Information Industries and Consumer Electronics Antitrust unit of DG Competition, gaining valuable experience with regard to competition matters in the Information Technology markets (mainly on the Rambus case, in which the European Commission recently issued a statement of objections but also on the Microsoft case). Her area of practice is competition law, including State aid, with a particular interest in the IT, Media, Telecom and Banking markets. She regularly advises clients in all aspects of State aid control, Article 82 cases, in particular as regards the interface between Competition and IP laws and she frequently litigates before the European Courts. Eliza represents clients before the national competition authorities and before national courts. Eliza also frequently advises on Telecom Regulatory matters and on European regulatory and internal market rules. She is fluent in Greek, English and German and has a good knowledge of Spanish.
Dr. Ohad Soudry
SENIOR ASSOCIATE

Ohad is a senior associate in our European Law practice and joined the firm in 2007. He studied Law at the University of Haifa, Israel, where he obtained both his degree in law and his degree in economics. He went on to obtain a Masters degree in Law and Economics from the Erasmus University in Rotterdam. Ohad subsequently completed his doctorate (summa cum laude) on EU Public Procurement law at the University of Hamburg and attended Columbia Law School in New York as a visiting scholar. Before joining Hammonds, Ohad worked as an Assistant Legal Counsel for the Israeli Ministry of Justice in the Department for International Agreements and International Litigation and served as an External Consultant at the Regulatory Affairs Unit of the Centre for European Policy Studies in Brussels. He is widely published on matters of European Public Procurement Law and is a regular speaker at international and EU Public Procurement Law conferences. Setting aside his intense specialisation in Public Procurement, Ohad also practices State aid as well as International Trade Law. He is fluent in Hebrew and English and has a very good knowledge of German.

Guillaume Taillandier
SENIOR ASSOCIATE

Guillaume is a French qualified avocat who joined the firm in October 2001. He studied law at Université de Lille II in France where he obtained a master (maîtrise) in law and took the ICP (Integrated Common Programme) course, a trilingual diploma in EU law and comparative studies of English, German and French commercial law at the Université de Lille, the University of Warwick (UK) and the Universität des Saarlandes in Saarbrücken (Germany) which he passed with honours. Guillaume then obtained a postgraduate diploma in International and EU economic law at Université de Paris-X Nanterre with honours. Guillaume also obtained a Diploma in EC Competition law from King’s College London in 2008. Guillaume worked at the legal department of the French Ministry of Foreign Affairs and appeared as an agent for the French government in various cases before the ECJ before qualifying in January 2002. Guillaume shares his time between our Brussels office (where he is based) and our Paris office, and his practice focuses on French and EU competition law and on general EU Law. Guillaume advises clients in various sectors including air transport, chemicals, pharmaceuticals, sports and telecommunications on all aspects of competition law and regulatory law. He also holds regular competition compliance trainings, including dawn raid for clients. Guillaume is a founding member and the vice-president of the Young Lawyers Committee of the largest French competition lawyers association (AFEC). He is fluent in French and English and has basic knowledge of German.
Nikos Dimopoulos
LAWYER

Nikos is a UK-qualified solicitor in the firm’s London office. He read English Law at the University of Dundee (LLB, Honours) and Law at the College of Law (Guildford). Nikos gained a Distinction in Corporate and Commercial Law. He also obtained a Distinction in a Postgraduate Diploma in International Commercial Arbitration, at Queen Mary, University of London. Nikos joined Hammonds in 2006 and qualified into the firm’s EU, Competition and Trade team in 2008. Nikos’ experience includes advising companies in UK cartel investigation and leniency applications, as well as handling merger filings to the OFT/Competition Commission in the UK, the European Commission and to various competition authorities of EU and non-EU countries. Nikos also advises UK and international corporate clients on the competition law aspects of commercial transactions and is active in providing competition law training. Nikos has advised on aspects of competition law in relation to sports matters (clubs and regulatory authorities), and has been involved in an ICC arbitration which ran parallel to a formal complaint to the European Commission. Nikos has written for the UK legal press and is a member of the Competition Law Association, the British Institute of International and Comparative Law and the Young International Arbitration Group of the LCIA. Nikos is also qualified as a Member of The Chartered Institute of Arbitrators (MCIArb). Nikos speaks English, Greek and has a basic knowledge of French.

Dr. Jochen Beck
ASSOCIATE

Jochen joined Hammonds’ Brussels office in March 2007 after having worked with a Gleiss Lutz Law and Vermulst, Verhaeghe and Graafsma. Jochen obtained his basic degree and a PhD in European law from the Vienna University and an LL.M. from Cornell Law School in New York State. He is a qualified NY attorney-at-law and a UK solicitor. He clerk-shipped for judges at an Austrian district and appellate court and was a research assistant during his second semester in Cornell. Jochen works in both Hammonds’ trade and competition teams. He handles WTO-related matters and advises clients in relation to negotiations of FTA and EPA. Jochen represents a major client in a WTO dispute settlement proceeding. He has profound experience in handling trade defence investigations including anti-dumping, anti-subsidy and safeguards. Jochen has also advised clients in Article 81 EC Treaty proceedings before national courts and in an arbitration proceeding. He has further provided legal assistance to clients in the framework of a cartel investigation including assistance during a dawn raid. Jochen also provided competitive assessment to clients in the framework of Articles 81 and 82 EC Treaty and drafted merger notifications for submission to the Commission and national competition authorities. He also advises clients on various customs matters and on export control. Jochen speaks German, English and French and has a basic knowledge of Spanish.
Dr. Yan Luo

Yan is a Trade & Competition specialist in our Corporate Strategy & Finance (Competition, Trade & EU regulatory) practice based in the Brussels office. Her particular expertise covers international trade law, EU and Chinese competition law and EU regulatory law. Yan advised major Chinese companies and the Chinese government in connection to a range of trade, competition and EU regulatory matters, including anti-dumping, public procurement and EU antitrust/merger control. She has also advised multinational corporations on competition and regulatory aspects of China-related foreign direct investment and cross border M&A. Before joining Hammonds Brussels office in March 2007, Yan has previously worked in international law firms in Beijing and Washington DC. She is a co-lecturer in International Economic Law at Queen Mary College, University of London, and has extensive research experience in all fields of WTO/EU law. Yan speaks Chinese and English.

Will Sparks

Will is a UK-qualified solicitor based in the firm’s Brussels office. He obtained a first class degree in Modern History from the University of York before reading law at the College of Law and Oxford Institute of Legal Practice. Will also obtained a Master’s degree in European Legal Studies at the College of Europe (Bruges), presenting his thesis on intellectual property, standards and competition law. Will joined Hammonds as a trainee in 2005 and qualified into the firm’s EU, Competition, Trade and Regulatory Unit in 2007. He works in all aspects of competition, antitrust and regulatory work including merger control – undertaking filings before the OFT and Competition Commission in the UK, before the European Commission, and before the national competition authorities of several EU and non-EU countries – as well as behavioural antitrust and the competition aspects of commercial transactions. In addition to working with international corporate clients, Will has advised a number of public sector bodies on aspects of EU State aid and public procurement law, in particular in relation to development and regeneration projects in the UK. He has also developed and conducted competition law training programmes for clients, specialising in merger control compliance. Will has written for the UK and European legal press and is a member of the Law Society Competition Law Section and the British Institute of International and Comparative Law.
Enrico Fabrizi
Partner

Enrico is the Partner in charge of Competition Law in the Italian Offices Rossotto and Partners. He is a qualified avvocato, admitted to the Italian Bar since 1992. He obtained his law degree from the Università degli Studi of Milan, and subsequently obtained a Master of Laws degree in Commercial and Company Law at the University College, London. Enrico has been practising law since 1989, working for law firms in London and Milan until 1993. He worked for more than three years at the Italian Antitrust Authority, where he was involved in a number of major cases covering the whole spectrum of antitrust activity (cartels and other restrictive practices, abuses of dominant positions, complaints and merger control cases). In 1996, Enrico set up his own practice in Rome, dealing primarily with antitrust law, company and commercial law, domestic and international transactions. He acted for major Italian and multinational firms in notifications of concentrations and agreements to the Italian Antitrust Authority and to the European Commission, and successfully obtained authorisations and waivers. Enrico has represented complainants and clients under investigation in proceedings before the Italian Antitrust Authority, as well as in out of court matters and civil law disputes (annulment proceedings, claims for damages, interim injunctions) concerning the violation of European and/or Italian competition law. Since 1994, he has been involved in teaching activities on EC and Italian competition law at various universities/institutions. He has also published a number of articles on Italian competition law and on international and domestic contracts, as well as spoken at conferences and seminars in Italy and abroad. Currently he is involved in various activities in the public services area (gas, electricity and telecommunications). Enrico is fluent in Italian and English.

Dr. Kai Mertens
Partner

Kai is a Partner in the firm’s Berlin office and joined Hammonds LLP when the firm’s German offices were created in 2001. Kai specialises in EC and German competition law and in corporate mergers and acquisitions, including privatisation. His recent experience includes the acquisition of a major European leisure resort company, the acquisition of several manufacturing operations by an American electronics manufacturing company and several acquisitions of clinics and hospitals. He has also recently handled privatisations of several utility companies, two large real estate/housing companies, one of Germany’s largest clinics and a chinaware manufacturer. Kai acts for a variety of corporations, private and public banks, and public institutions and other bodies. He speaks English and German.

Associated offices
Valeria is a qualified Italian avvocato, admitted to the Italian Bar in 2001. She obtained an honours law degree from La Sapienza University of Rome. She then obtained a Master of Laws degree (LL.M.) in Commercial and Company Law at the London School of Economics. After a 4-month stage at Penningtons Solicitors - London, she joined Rossotto and Partners. Valeria’s work covers all aspects of EU and Italian competition law. She also has significant experience in regulatory law, particularly in relation to the audiovisual sector. She is fluent in Italian and English.

Angelo is an Italian qualified avvocato. He obtained a law degree from La Sapienza University of Rome with a thesis in EC Competition law. Angelo joined Rossotto and Partners in Rome in May 2002. His expertise covers all aspects of EU and Italian competition law (cartels and other restrictive practices, abuses of dominant positions, complaints and merger control cases). He also has experience in commercial law (particularly, domestic contracts) and litigation. He is fluent in Italian and English.

Michela is a qualified avvocato, admitted to the Italian Bar in 2003. She obtained a law degree from La Sapienza University of Rome. In 1999, she joined the Rome office of Clifford Chance, where she worked in the competition department developing experience in all aspects of EU and Italian competition law. She also spent six months at the ECR-European Competition and Regulation department of Clifford Chance’s Brussels office. She has experience in Italian commercial law and litigation. She joined Rosotto and Partners in October 2008. She is fluent in Italian and English.
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