



## Representative Legal Matters

Mikołaj Piaskowski

### Antitrust

- Represented global industrial manufacturer in the dawn raid procedure carried out by the Polish competition authority and assisted in the risk assessment and leniency related analysis and succeeded in closing the case without bringing the charges against the client.
- Conducted an in-depth competition law audit of the Polish operations of an international retail company.
- Advised a world leading project development and construction group, on commercial and competition law implications of the agreement with the buyer of their bitumen business, in particular in relation to a potential dispute based on the different business interpretation of the non-competition law clauses contained in the sale agreement.
- Represented a world leading IT company in a contentious case related to a dispute under competition law with the client's former distributor, and successfully defended the client's position with respect to several allegations regarding abusing dominant position and committing acts of unfair competition and reaching court settlement with the distributor.
- Advised an international bank and assessed the risk, including from the leniency perspective, related the alleged participation in the cartel with other market players.
- Represented railway signalling systems corporation in the anti-monopoly proceedings before the Polish Competition Authority with regard to the alleged participating in the bid rigging.
- Representing P4 in the anti-monopoly proceedings before the Polish competition authority and the Competition and Consumer Protection Court with regard to proceedings on the alleged cartel aimed at excluding a service supplier, as well as exchanging confidential information (case pending)
- Represented a local supplier of electricity in proceedings before the Polish Competition Authority, the Competition and Consumer Protection Court and Appeal Court concerning the alleged abuse of a dominant position on the local electricity market, as well as the alleged provision of misleading information to the Authority (case closed by repealing the decision).

- Advised a leading IT provider in explanatory proceedings conducted by the Polish competition authority, regarding alleged bid rigging practice (case closed without opening the anti-monopoly proceedings).
- Advised a leading Polish energy company in connection with explanatory proceedings held by the Polish Competition Authority (case closed without opening the anti-monopoly proceedings).
- Advised a leading Polish bank on competition issues related with creation of bancassurance joint venture with an insurance partner and conclusion of a long-term exclusive distribution agreement between the bank and the joint venture.
- Advising KIA Motors comprehensively on various issues related to distribution of cars, including assessing compatibility of importer's operations with EC block exemption regulations 1400/2001, 330/2010, and 461/2010 as well as Polish regulations; working on the dealership and repair agreements; representing in a dispute with a dealer.

### **Merger control**

- Advised on assessed sing merger control implications of the acquisition of a competitor by global healthcare group and an appropriate method of accessing the sensitive information.
- Advised Nokia on merger control issues in the transaction regarding the creation of a JV formed for projects of the design, construction and operation of a fast fibre optic (NGA) broadband network across Poland.
- Advised AmRest sp. z o.o. in the merger control proceedings to enable the client's acquisition of its competitor, i.e. Telepizza Poland sp. z o.o.
- Advised Unternehmensgruppe Theo Müller S.e.c.s. (UTM) and its subsidiary, Lisner, leader on the Polish fish processing market, on merger control issues in connection with share deal in Poland, whereby UTM (Lisner) acquired 100% shares in its competitor, Nordfish Foodmark sp. z o.o.
- Advised Varian Medical Systems on merger control aspects of acquisition of Candela, a leading distributor of radiotherapy equipment in Poland, from its founder.
- Advised on the merger control aspects of the transaction regarding the creation of a JV by Agfa Graphics Asia Limited and Lucky HuaGuang Graphics Co., Ltd.
- Advised Aflofarm on merger control aspects of the transaction regarding acquisition of 100% of shares in Trec Nutrition, the second largest producer of sports nutrition products in Poland.
- Advised one of the biggest worldwide private equity funds on merger control aspects of a potential acquisition of two mobile operators, including preparing a detailed competitive assessment.
- Advised an international media group on merger control aspects of a potential acquisition of a competing company operating on the market for online portals, including preparing a detailed competitive assessment.

- Represented Mid Europa Partners in the merger control proceedings before the Polish Competition Authority in relation to acquisition of Zabka, a convenient stores chain, and Stokrotka, a supermarkets chain.
- Represented Allegro (then part of the Naspers group) - owner of the e-commerce auction platform on merger control aspects of the acquisition of control over the Internet retailer Agito, including representing the client in merger control proceedings before the Polish competition authority

#### **State aid**

- Advised Weber-Stephen Products, LLC in obtaining a permit of the Katowicka Special Economic Zone as well as purchasing of the property located on the territory of the zone with the investment in first manufacturing plant in Europe exceeding EUR 50 million and available CIR exemption exceeding EUR 10 million.
- Represented Passat-Stal S.A., a leading steel distributor and a subsidiary of the listed company, Bowim, in the appeal proceedings before the Minister of Fund and Regional Policy against the decision of the PARP (Polish Agency for Development of Entrepreneurship), on alleged infringement of the EU grant agreement regarding construction of the manufacturing plant and return of State aid.
- Advised a world leading IT company with respect to State aid issues related to the business subject to reorganization, including in negotiations with the Ministry of Development, and securing modification of EU grant agreement.
- Advised a company from the capital group of Equinix Inc. in their contacts with the Polish Investment and Trade Agency (PAIH) with respect to the State aid support related to a new investment in Poland.
- Represented a group of electricity energy companies in the proceedings before the European Commission in relation to the State aid programme for cogeneration, including during the meeting with the DG Competition officials in Brussels.
- Represented a group of intensive electricity users in the proceedings before the European Commission in relation to the State aid programme reducing certificate obligations (case pending).
- Represented a national transmission system operator in the notification proceedings before the President of the Polish competition authority and the European Commission in relation to aid from EU funds for the trans-border project, completed with a positive decision of the European Commission.
- Advised a group of Polish power generators and their shareholders in the State aid investigation conducted by the European Commission in relation to Polish long-term power purchase agreements (PPAs) as well as the government's draft law on termination of PPAs. The work included representing clients in proceedings conducted by the Commission; preparing generators' comments on the Commission's preliminary decision and conducting a broad analysis of the effects of the Commission's potential negative decision on the agreements themselves.

- Advised GTC on State aid issues connected with the A1 motorway project, including notifications to the European Commission, and documents for the banks providing financing of the project (case closed by issuing a positive decision).

### **Consumer protection**

- Represented UEFA before the Supreme Court in a case regarding EURO 2012 terms and conditions of tickets sales and succeeded in defending most of challenged clauses reviewed by the Supreme Court.
- Represented a world leading electronic devices company in the proceedings before the Polish competition authority verifying compliance of the terms and conditions of sale and warranty documentation with consumer protection law, and succeeded in closing the case without charges being brought against the client.
- Represented the owner of one of the biggest electronics and house appliances chain in Poland in the consumer protection related proceedings before the Polish competition authority regarding allegedly misleading terms of promotion addressed to consumers.
- Advised LINK 4, the leader of the direct insurance market in Poland, part of the biggest insurance group in Poland, on assessment of the well-known TV's advertising spots from the perspective of its compliance with the consumer protection law.
- Represented a leading Polish listed real estate developer in the consumer protection proceedings before the Polish competition authority that are carried out in order to verify if collective consumer interest were infringed or whether abusive clauses were applied when offering products to clients.
- Coordinated a complex review of all the general terms and conditions of all life products offered by a leading insurance company for their compliance with consumer protection regulations, and assessing whether their provisions (several hundreds of pages) could be considered as abusive clauses or as infringement of collective consumer interests in view of the applicable laws and the existing approach of the Polish courts and consumer protection authority. The audit assessed the risk of the Polish consumer protection authority taking actions against a company as well as against people holding managerial functions.