



John Ratliff

PARTNER

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John Ratliff has more than 30 years of experience dealing with all aspects of EU competition law. He has handled matters involving Phase 1 and 2 EU merger control, cartel and other infringement defenses, abuse of dominance and competition remedies before the European Commission, national courts and the European Courts. Mr. Ratliff has worked for clients in numerous sectors, including energy (gas and electricity), maritime pipelay, metal (steel and copper), heavy machinery, sport, telecoms, financial services (payment cards), pharma, aircraft manufacture, aviation and retail/consumer goods.

Mr. Ratliff is active in:

- EU (and worldwide) merger control (including Phase 1 and Phase 2 cases, with remedies; acting for the interested parties or third parties)
- EU cartel defence cases (both where contested and for companies seeking leniency)
- Abuse of dominance cases (notably assisting dominant companies to review their compliance with (what is now) Article 102 TFEU; and to implement related changes to their commercial practices to resolve issues (sometimes in parallel with US colleagues)
- Competition remedies (through many complaints and other representations to the European Commission seeking swift intervention against unlawful behaviour on behalf of injured parties)
- Extensive counselling on all sorts of competition issue (from joint ventures to distribution systems)
- Representing companies in classic infringement proceedings (such as alleged prohibitions on parallel imports in the car sector); and alleged unlawful co-operation between competitors (e.g. in the insurance sector)
- European Court litigation on appeals in cartel and other cases.

Mr. Ratliff also practises EU regulatory law and has represented companies before the European Commission, national courts and the European Court on issues such as: state aid, "Sunday trading"/free movement of goods, EU GATT quotas, food regulation, the Dangerous

Preparations Directive, energy liberalisation, discriminatory taxation, 4G spectrum allocation, EU energy market manipulation rules (REMIT) and EU proposals to reform regulation of the auditing profession.

Leading Cases

Some of the novel, ground-breaking or controversial cases in which Mr. Ratliff has been involved are:

- The Boeing/McDonnell Douglas "Phase 2" merger case
- The BT/MCI (Concert) joint venture
- The EUDIM information exchange case
- The London European/SABENA computer reservations case
- Proceedings to reinstate The English Football League in the UEFA Cup
- Actions based on (what is now) Article 106 of the TFEU to obtain compensation for Sydkraft, when the Swedish Government ruled that one of Sydkraft's nuclear reactors at Barsebäck in Sweden should be closed
- The Unilever Bestfoods merger clearance (in Phase 1, with some 80 affected markets and remedies)
- Assisting Emerald Meats before the European Commission and the European Courts in relation to claims for damages for incorrect allocation of EU GATT meat quota import licences (damages awarded in Ireland).

Mr. Ratliff has a wide European experience. He studied at University College, Oxford and qualified as a Barrister in the United Kingdom in 1980. He was a trainee in the European Commission's Legal Service (as a Middle Temple Bristow Scholar) and studied first in Germany (as a participant in the Young Lawyers Programme to Germany) and then in the Netherlands (at the Europa Instituut in Amsterdam). Mr. Ratliff then practised EC Competition and commercial law in Paris and as a general litigator in London, before moving to Brussels in 1986.

Professional Activities

Mr. Ratliff is a regular commentator on EC Competition policy and practice. Since 1992, he has presented an annual review of "Major Events and Policy Issues in EC Competition Law" at one of the leading competition conferences in Europe (then published each year in the International Company and Commercial Law Review).

He also has spoken at legal and business conferences and published on a wide range of issues including, recently:

- "Negotiated Settlements in EC Competition law" (in cartel cases)
- "EU Judicial Review in Competition Cases before the European Courts: *Avoiding Double Renvoi*"

- "Upfront access payments and category management in EU Vertical Restraints law"
- "Wholesale energy markets: European Commission proposes regulation to prevent insider trading and market manipulation"

Solutions

Antitrust and Competition

Cross-Border Investigations
and Compliance

Investigations

Antitrust Litigation

Energy, Environment and
Natural Resources

Brussels/EU

European Union Regulatory
Group

Experience

- Representing Baker Hughes in relation to Halliburton's proposed acquisition of the company (a complex "Phase 2" case which was ultimately terminated by the parties)
- StatoilHydro's acquisition of the "JET" branded motor fuel stations in Denmark, Norway and Sweden from ConocoPhillips (a "Phase 2" clearance involving extensive econometrics, settled with remedies)
- Statoil's \$30 billion merger with the petroleum business of Norsk Hydro
- Various worldwide merger filings involving jurisdictions ranging from Brazil to Australia and New Zealand and, across Europe, from Spain to Turkey with local counsel (and, on occasion, related "Form RS" centralised review in Brussels)
- Representing a company involved in the Industrial Tubes and Copper Plumbing Tubes cartel cases before the European Commission, where the company obtained 70% reductions in fines, with related appeals to the General Court of the European Union (co-counsel)
- Representing a company involved in the EC's Oil and Biofuels investigation in relation to trading on Platts
- Assisting an energy company in relation to claims of market manipulation in its trading activities
- Assisting a telecoms company on discriminatory national taxation and the structure of a 4G spectrum auction
- Assistance to dominant companies in various sectors on compliance issues
- Assistance to arbitration counsel on competition issues
- Advice on electricity interconnector ownership issues
- Representing a company involved in the Industrial Bags case before the Court of Justice of the European Union (co-counsel)

Recognition

- Recognized as a leader in antitrust and competition in Belgium in the 2007–2009, 2011–2012 and 2015–2018 editions of *Chambers Europe*, and in the 2006–2018 editions of *Chambers Global: The World's Leading Lawyers*
- Featured as a thought leader in his field in the 2018 and 2019 editions of *Who's Who Legal: Thought Leaders – Competition*
- Listed in the 2014 edition of *Expert Guides* as a leading attorney in Brussels in the area of Competition/Antitrust Law
- Listed as a "leading lawyer" in the area of EU Competition law in the 2009/2010 edition of the *PLC Cross-border Competition Handbook*
- Recognized in the 2009–2014 editions of *Best Lawyers in Belgium* in the area of Competition/Antitrust Law
- Recognized as a leader in his field in the 2009–2015 editions of Global Competition Review's *Who's Who Legal*, *The International Who's Who of Competition Lawyers and Economists* and the 2011 edition of *Who's Who Legal: The International Who's Who of Business Lawyer*
- Recognized by his peers as one of the world's leading antitrust and competition attorneys in Legal Media Group's *The Best of the Best*

Credentials

EDUCATION

DIEI, University of Amsterdam,
1983

BA, University of Oxford,
University College, 1979

ADMISSIONS

England and Wales, Barrister

Brussels

LANGUAGES

French

German

English