



Dr. Stefan Ohlhoff LLM

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Dr. Stefan Ohlhoff is a partner in the firm's Regulatory and Government Affairs Department. He co-chairs the EU Regulatory Group and is a member of the Antitrust and Competition and International Trade, Investment and Market Access Practice Groups. He joined the firm in 1999.

Dr. Ohlhoff assists clients in merger proceedings, antitrust investigations and litigation before the European Commission, the German Federal Cartel Office and European and German courts. In addition, he advises clients as to the compliance of joint venture and other agreements and of unilateral behavior with European and German competition law (including assistance with compliance programs).

In international trade law, Dr. Ohlhoff represents clients in antidumping, countervailing duty and safeguard proceedings. He also assists clients with trade compliance issues and has been involved in various WTO matters. Dr. Ohlhoff has also substantial expertise in general European regulatory matters. In particular, he has represented clients on government procurement, healthcare regulatory as well as railway and aviation regulatory matters, including for the European Commission in its legislative initiative to create a single European sky.

Dr. Ohlhoff frequently represents clients in large and complex disputes at the interface between regulatory and civil litigation. For example, he is regularly working for clients in government procurement and civil antitrust litigation matters, including some of the largest civil antitrust matters currently pending in Germany. Dr. Ohlhoff also led a team of lawyers representing a healthcare client in over 200 civil, healthcare regulatory and antitrust litigation matters and hundreds of arbitrations against public health insurers and competing healthcare services providers. Finally, he has substantial expertise in international litigation, including a Swiss-German dispute on the use of German airspace for approaches and departures to a Swiss airport and the WTO disputes on *Taxation of Foreign Sales Corporations* and *Large Civil Aircraft*.

Professional Activities

Dr. Ohlhoff publishes and speaks frequently on antitrust and competition law, international trade law and on other aspects of international law.

Among others, he is the author of contributions on EU merger control in Competition Law: European Community Practice and Procedure (Sweet & Maxwell) and in Münchener Kommentar zum Europäischen und Deutschen Wettbewerbsrecht (Kartellrecht) (Beck-Verlag). In addition, he is co-editor of a "Kartellverfahren and Kartellprozess," a leading German treatise on regulatory, criminal and civil antitrust investigations and litigation published by Beck-Verlag in 2017. From 2008 to 2010, Dr. Ohlhoff was the National Contributor for Germany in Global Competition Litigation Review.

Dr. Ohlhoff co-founded the Berliner Kartellrechtskreis in 2008 and was the regional representative of the Studienvereinigung Kartellrecht for Eastern Germany in 2011 and 2012.

Solutions

Germany

Antitrust and Competition

International Trade,
Investment and Market
Access

Antitrust Litigation

Aviation

Trials

Experience

CIVIL ANTITRUST LITIGATION

- Defending the Association of German Public Banks before the Berlin District Court against a series of lawsuits brought by German retailers claiming damages from allegedly excessive merchant fees for the use of the German debit card system Electronic Cash / Girocard.
- Defending a German association of health care service providers before the Dortmund District Court, the Düsseldorf Court of Appeals and the German Supreme Court against claims for damages from an alleged exclusionary rebate scheme and other alleged exclusionary behavior.
- Representing German sweets manufacturer Katjes Fassin and other sweets manufacturers in litigation before the Mannheim District Court concerning very significant claims for damages from the sugar cartel. For a variety of reasons, the damages action brought by Katjes Fassin has become the pilot case in the sugar cartel Germany-wide. In total, the sugar cartel cases currently pending in Germany sum up to several hundreds of millions of Euros.
- Representing Deutsche Bahn in litigation before the Frankfurt District Court in connection with all aspects of asserting claims for several hundred million Euros in damages from the railtrack cartel, including in litigation against major European steel producers. This is one of the largest and most complex cartel damages cases in the history of Germany.
- Defending Deutsche Telekom in civil antitrust litigation before the Cologne District Court, the Düsseldorf Court of Appeals and the German Supreme Court concerning an alleged abuse of dominance by maintaining a margin squeeze in the local loop between 1998 and 2003. Eight of Deutsche Telekom's competitors have claimed a total of over 600 million Euros in damages, more than in any other civil antitrust litigation in Germany regarding abusive practices. All claims have been dismissed and/or settled favorably.
- Defending a healthcare software provider against several attempts by competitors to obtain injunctive relief regarding the supply and disclosure of software code.

REGULATORY ANTITRUST AND OTHER LITIGATION

- Representing Deutsche Bahn in connection with establishing, structuring and, if necessary, enforcing claims in the amount of approx. EUR 2 billion for (further) financial contributions to cover additional costs for the Stuttgart 21 railway project, including in litigation about these claims against the German Land Baden-Württemberg, the City of Stuttgart and other defendants in the Stuttgart Administrative Court.
- Defending the Association of German Public Banks and a German association of health care service providers in regulatory litigation before the Cologne Administrative Court and the Munster Administrative Court of Appeals against requests based on the German Freedom of Information Act to inspect files in non-criminal antitrust investigations.
- Representing Deutsche Telekom in a landmark price squeeze case before the European Court of First Instance and the European Court of Justice.
- Representing Deutsche Telekom before the Düsseldorf Court of Appeals in

litigation concerning the prohibition by the German Federal Cartel Office of a joint video-on-demand platform of TV broadcasters RTL and ProSiebenSat.1. The EU Commission had referred the case to the German and Austrian authorities, and the German Federal Cartel Office prohibited the merger after an extended second-phase review.

- Representing a leading German supplier of healthcare management services in hundreds of litigation matters and arbitration cases on a broad range of healthcare regulatory, antitrust and civil issues (including the appointment of arbitrators, the validity of arbitrator rulings and payment claims).
- Representing an airline in litigation before the German Supreme Court and the Berlin and Düsseldorf Court of Appeals in litigation against the German Federal Cartel Office concerning ticket prices.
- Representing an aircraft manufacturer in connection with the WTO dispute settlement cases between the US and the EU concerning subsidies for large civil aircraft.
- Representing a Swiss airport in a Swiss-German dispute and in regulatory litigation concerning the use of German airspace for approaches.
- Representing a bidder in government procurement litigation before the Berlin Court of Appeals concerning a multi-year contract for the management of the Berlin public lighting system.

MERGER CONTROL

- Representing Deutsche Telekom in German merger control proceedings concerning the establishment of a joint venture with the German utility and telecoms company EWE AG to build and operate a fibre network across Northwest Germany.
- Representing a private equity fund and another investor on antitrust and EU merger control issues in connection with their acquisition of a leading ferry operator in the Baltic Sea.
- Representing two large German banks in EU merger control proceedings concerning their merger into a new entity.
- Representing a complainant in the EU Commission's review of the Thule/Pewag merger. After the extended second-phase review led to a statement of objections, the filing was withdrawn.
- Representing other clients from the telecommunications, IT/software, airline, aircraft maintenance and engineering industries in EU and German merger control proceedings (including the co-ordination of multinational filings).

CARTEL AND ABUSE OF DOMINANCE INVESTIGATIONS

- Defending a leading German poultry manufacturer before the German Federal Cartel Office and the Düsseldorf Court of Appeals against allegations that it participated in the sausages cartel. The Düsseldorf Court of Appeals withdrew the fine imposed by the Federal Cartel Office and dropped all charges.
- Defending clients in EU and German cartel investigations in the flour, paper wholesale, airline and other industries.
- Defending a client in the healthcare industry in abuse of dominance investigations by the German Federal Cartel Office.
- Defending a client in a margin squeeze investigation before the German Federal

Cartel Office concerning certain IT services.

- Defending a client in an investigation by the German Federal Cartel Office concerning allegedly abusive pricing for certain data.

Recognition

- Since 2006/2007, Dr. Stefan Ohlhoff has been consistently recommended by *JUVE Handbuch* for antitrust, most recently in the 2022/2023 edition (“one of the best in his field,” – client review; “outstanding antitrust litigator,” – peer review).
- *JUVE Handbuch* frequently recommends Dr. Ohlhoff for dispute resolution–litigation, most recently in the 2022/2023 issue. Clients praise his “great experience in antitrust damages litigation (2020/2021).”
- *Chambers Global* (since 2018) and *Chambers Europe* (since 2007) frequently names Dr. Ohlhoff as “Leading Lawyer” in competition/EU law and antitrust law, respectively, (“Stefan Ohlhoff is very accurate.” 2023)
- Dr. Stefan Ohlhoff is recommended by *Handelsblatt Best Lawyers® in Germany List* since 2011 for competition and antitrust, foreign trade law and litigation (2023). In addition, Dr. Ohlhoff is named “Lawyer of the Year” for competition and antitrust in the 2014, 2015 and 2020 editions as well as “Lawyer of the Year” for foreign trade law in 2021.
- *Legal 500 Germany* recommends Dr. Stefan Ohlhoff for antitrust since 2019. “Extremely focused and efficient work, outstanding market knowledge and an excellent overview of the practices of licensing authorities. (They do) the work themselves and do not pass requests on to Associates. Absolutely fair rates, unbeatable value for money” (2022). “WilmerHale can mobilize a global team and coordinate merger control filings in multiple jurisdictions” (2021).
- *Legal 500 Germany* recommends Dr. Stefan Ohlhoff for commercial litigation since 2019, highlighting his “particular expertise in damages litigation.”
- *Legal 500 Germany* recommends Dr. Stefan Ohlhoff for commercial law in its 2021 edition.
- Recommended for antitrust law by Germany's *kanzleimonitor.de* in its 2020/2021 and 2021/2022 survey results.
- Recommended by *Who's Who Legal* as a global leader for Competition (2019–2022), Trade & Customs (2018–2022) and national leader for Competition (2019–2022), Trade & Customs (2021–2022) in Germany. Stefan Ohlhoff is held in high esteem for his masterful expertise in antidumping, countervailing duty and safeguard proceedings.
- Awarded the *Global Competition Review*, GCR Litigation of the Year Award: Cartel Prosecution 2017 for client representation in the “Sugar Cartel” proceedings.
- Awarded the *Global Competition Review*, GCR Litigation of the Year Award 2014 for representing Deutsche Bahn AG in the “Rail Cartel” proceedings.

- Awarded the Francis Deak Award by the *American Society of International Law* in 2000 for published work on the WTO dispute resolution and national security.

Credentials

EDUCATION

Doctorate in Law, University of Heidelberg, 2001

Second State Exam, Berlin Court of Appeals, 1999

1996

Fellow

LLM, University of London, 1995

First State Exam, University of Heidelberg, 1994

University of Geneva, 1992

ADMISSIONS

Berlin

LANGUAGES

German

English

French