



John Ratliff

"a very seasoned lawyer who has a broad-based anti-trust practice covering mergers and litigation. He has an incredible knowledge of competition law and is extremely helpful when it comes to challenging issues."

- Chambers Guides Europe

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John Ratliff is a Barrister at the Bar of England and Wales and an *avocat* at the Brussels Bar.

He specialises in EU Competition law, offering advice on all types of issue, and advocacy in European Commission proceedings. He has 40 years' legal experience, having studied or worked in the United Kingdom, Belgium, Germany, the Netherlands and France. He is available to assist in EU procedures and issues as may be useful.

John has practised in Brussels since 1986. For 13 years, with a leading EU boutique, Stanbrook and Hooper. Then, for 23 years with what is now WilmerHale, a leading American firm, from which he retired in December 2022.

John has dealt with a wide range of competition issues, including:

- *Advising companies* on compliance issues (e.g., Articles 101 and 102 TFEU).
- *Handling clearance procedures for mergers and acquisitions at the European Commission (EC)*, including complex 'Phase 1' and 'Phase 2' clearances with remedies.
- *Opposing mergers and acquisitions*, where third parties are prejudiced.
- *Bringing complaints* to the EC about anti-competitive practices to obtain remedies.
- *Defending companies* accused of infringing the EU Competition rules.

He has also assisted companies and their counsel on other EU regulatory issues, notably advice and investigations as regards energy market manipulation and REMIT.

Further detail is in the practice area section.

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EU Competition and other EU law

John has dealt with a very wide range of competition issues, including:

- *Advising companies on compliance issues* (e.g., structuring of JVS and other cooperation, sustainability issues, investigations of possible infringements, market manipulation, structuring rebates and distribution systems when a company is dominant, antitrust audits, and advice on minority shareholding positions). These are not in the public domain.
- *Handling clearance procedures for mergers and acquisitions*, including complex EC Phase 1 and Phase 2 clearances with remedies (e.g., in the airline, energy, engineering, food, marine pipelay, pharma and telecoms sectors). John has been involved in more than 40 cases, including many EC cases, and many worldwide procedures working with local counsel.
- *Opposing mergers and acquisitions*, where third parties are prejudiced, seeking remedies (e.g., in the energy, engineering and metal products areas).
- *Bringing complaints to the EC* about anti-competitive practices to obtain remedies (e.g., in the airline, sports, telecoms and energy areas).
- *Defending companies* accused of infringing the EU Competition rules through cartel and other infringements (e.g., in the car distribution, ceramic sanitary products, metal products, and insurance areas).

Further detail in the public domain is set out in the representative cases section below.

While competition law is his main area of expertise, he has also assisted companies with issues in other areas of EU law, such as:

- Assessing possible energy market manipulation under REMIT.
- Complaints and EU litigation re. the denial of EU GATT quotas.
- Complaints as regards discriminatory taxation in telecoms and 4G spectrum allocation.

EC Mergers and acquisitions cases

- *Danaher / GE Healthcare Life Sciences, 2019*: Assisting Danaher when it acquired GE Healthcare's Biopharma business, an EC Phase 1 clearance with remedies.
- Representing third parties in relation to the *Wieland/Arubis* merger procedure in 2019.
- Representing third parties in relation to the *Praxair/Linde* EC merger procedure in 2018.
- *GE Oil & Gas / Baker Hughes, 2017*: Assisting Baker Hughes with this merger, which was cleared in EC Phase 1.
- *Halliburton / Baker Hughes, 2016*: Assisting Baker Hughes with EC Phase 2 merger proceedings, when Halliburton attempted to buy the company.
- *StatoilHydro / ConocoPhillips, 2009*: Assisting StatoilHydro with the acquisition of the "JET" petrol stations in Scandinavia from ConocoPhillips, an EC Phase 2 clearance with extensive econometrics and remedies.
- *Statoil / Norsk Hydro, 2007*: Assisting Statoil in obtaining EC Phase 1 clearance for this merger.
- *Unilever / Bestfoods, 2000*: Assisting Bestfoods with this EC Phase 1 clearance, a complex case with some 80 markets and remedies.
- *Boeing / McDonnell Douglas, 1997*: Assisting McDonnell Douglas with this EC Phase 2 merger clearance with remedies.

- *McDermott / ETPM, 1995*: Assistance with EC clearances of an offshore pipelay JV.
- *BT / MCI (Concert) Joint venture, 1994*: Assisting MCI with EC clearance of an innovative telecoms platform.

Complaints:

- *Sydskraft / Sweden, 1998*: Challenging at the EC the forced closure of a nuclear reactor without compensation, in parallel to national litigation, under what is now Article 106 TFEU.
- *English Football League / UEFA, 1997*: Obtaining access to UEFA Competitions for the winner of the FA Cup.
- *London European / SABENA, 1987*: Obtaining access to an airline ticket reservation system.

Cartel defences and other Article 101 TFEU

- *Outokumpu, Industrial tubes and Copper plumbing tubes, 2003 and 2004*: Assistance with cartel defences at EC level and then before the EU Courts.
- *Monsanto LDPE, 1989*: Assistance with cartel defence at EC level and before the EU Court.
- Assisting a stationary supplier, a construction materials supplier and a wholesale car distributor in relation to alleged blocking of parallel imports.

Compliance clearances

- *EUDIM, 1996*: Assistance with EC clearance of a joint buying group.
- *Skandinavisk Tobakskompagni / Swedish Match, 1997*: Assistance with EC clearance of cooperation agreements.

Other

- Assisting arbitration counsel on competition law issues in a price review case.
- Assisting dominant companies in various sectors on compliance issues.
- Assisting an energy company in relation to claims of market manipulation in its trading activities.

Appointments

- Middle Temple Scholarship (Sir Peter Bristow Award).
- Devereux Chambers, London, pupillage, 1980-81.
- European Commission Legal Service, internship, 1981.
- J.C. Goldsmith & Associés, *avocats*, Paris, 1983-84.
- Devereux Chambers, London, 1985-86.
- Stanbrook and Hooper, Brussels, 1986-1999.
- Wilmer, Cutler & Pickering/WilmerHale, Brussels, 1999-2022.

Publications

Editor and contributor to:

- *International Company and Commercial Law Review (I.C.C.L.R.):* Annual review of ‘Major Developments and Policy Issues in EU Competition Law’ (since 1992) (Covering antitrust cases.)

These articles are based on John’s presentation at the Informa Connect Advanced Competition Law Conference in Brussels each November.

Contributor to:

- *The Merger Control Review: ‘International Merger Remedies’* (An annual co-authored review from 2012 to 2022).
- *eConcurrences: ‘Unilateral Conduct in the Energy Sector’* (An annual co-authored from 2011 to 2022).
- *European Energy & Climate Journal:* e.g., ‘Market Manipulation under REMIT – Key concepts and developing Enforcement Practice’ (Co-author)

Editorial board member of the *Competition Law and Policy Debate*.

Editor responsible for REMIT of the *European Energy & Climate Journal*.

Memberships

- Bar of England and Wales, Middle Temple, London (since 1980).
- *Barreau de Bruxelles* (Brussels Bar) (associate member since 1999, full member since 2017).
- Member of the European Bar Committee.
- International Bar Association.

Education

- Clifton College, Bristol, 1975.
- University College, Oxford, BA (Hons), 1979.
- Inns of Court School of Law, London, 1980.
- Young Lawyers’ Programme to Germany, 1981-82 (DAAD Scholarship).
- University of Amsterdam, Europa Instituut, 1982-83 (NUFFIC Scholarship).

Awards:

- Winter Williams law prize, Oxford, 1978.
- Lechmere and Sudarshan Kapila prizes, Inns of Court School of law, 1980.

Awards & Recognitions

