

## PRACTICES:

- Litigation
  - Antitrust and Unfair Competition
- International
  - EU Environmental
  - EU Competition
  - Brussels
- Environment, Energy & Product Regulation
  - Chemicals, Pesticides and Product Regulation
  - REACH
  - Energy

## INDUSTRIES:

- Chemicals
- Energy



## Flavia Distefano

Partner - Brussels

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## Experience

Flavia Distefano focuses her practice on EC and Italian competition law, including the competition law aspects of REACH and REACH consortia, and litigation before the European Courts in Luxembourg.

Ms. Distefano regularly advises clients on a wide range of competition matters, including Article 81 and 82 EC related issues, merger control, joint ventures, and distribution agreements. She has represented major companies from various industry sectors, in particular in the areas of metals and technology, energy, data storage products, motor vehicles, aerospace, high-tech production systems, food, diagnostics, and telecommunications.

Ms. Distefano has been involved in a number of high profile merger cases before the European Commission, including "Phase II" proceedings in *Boeing/McDonnell Douglas*, *Tetra Laval/Sidel*, *Volvo/Scania*, *BP/E.ON* and *Exxon/Mobil*, and complex "Phase I" clearances, such as *Outokumpu/Boliden*, *Unilever/Bestfoods* and *Andritz/Ahlstrom*. Her merger experience includes multi-national filings both in Europe and in the rest of the world.

Ms. Distefano has also represented companies in several major EC cartel proceedings, including in the recent *Industrial Tubes*, *Copper Plumbing Tubes*, and *Fittings* cases, in which she assisted companies in their cartel leniency applications and throughout the EC administrative procedure.

Ms. Distefano has also assisted dominant companies in reviewing their compliance with Article 82 EC and in implementing changes to their commercial practices. She has also brought several complaints on behalf of injured third parties, including complaints under Articles 86 and 82 EC against State intervention distorting competition.

In Italy, Ms. Distefano has been involved in several competition proceedings before the Italian Competition Authority, including the price-fixing investigations in the auditing and cigarette markets, and "Phase II" merger cases (e.g. the conditionally cleared *Heineken/Moretti* case).

Ms. Distefano has experience in litigating before the European Courts in Luxembourg and is presently representing companies in their appeals before the Court of First Instance against the recent Commission's cartel decisions in the *Fittings* and *Copper Tubes* cases.

Ms. Distefano has contributed to various publications on competition law and is an active member of the International Bar Association's Antitrust Committee and of the American Bar Association's Section of Antitrust Law.

Recently, Ms. Distefano was recognized as a "2010 European Legal Expert" in EU Competition Law in Belgium by *Legal 500*.

## + Publications:

- "New EU Defense Procurement Directive Enters into Force" *MLA GC Advisory*, (August 2009).
- "European Commission Adopts EC Settlement Procedure for Cartel Investigations" *International Law Report: EC Antitrust Update*, (July 2008).

### Education

- Solvay Business School, Brussels, (Belgium) - Masters in International Trade, 2002
- Institute of European Studies, ULB, Brussels (Belgium), LL.M. in European Business Law, 2001
- Institute of European Studies, ULB, Brussels (Belgium), Certificate in European Law, 1995
- University of Catania, Italy, Dr. Jur., *summa cum laude*, 1994
- Free University of Brussels, Belgium, Scholarship by European Commission (to write thesis on EU law), 1993

### Admitted

- Rome Bar
- Brussels Bar (E-List)

