

BG Bowman Gilfillan

**COMPETITION
AND TRADE**



You think
big business.
We'll think fair
and square.



Lawyers who see the bigger picture, and the details.

Our Competition and Trade Practice Group

Bowman Gilfillan is one of South Africa's leading competition law firms. The firm has a number of well-known and internationally recognised lawyers in its competition law practice group with significant depth of experience in, and knowledge of, most sectors of the South African economy.

The practice group boasts 19 experienced lawyers (8 partners and 11 other fee-earners). Some were formerly employed by the Competition Commission and others have trained in European competition law practices.

The firm has been at the forefront of development in competition law since inception of the Competition Act and provides a full range of competition law services including: merger control, cartels, abuse of dominance, other restrictive practices and advising on other regulatory legislation which effects the regulation of pricing and competition.

Members of the practice group are regular contributors to local and international competition law publications.

Members of the practice group also participate in the special committees on Competition Law of the Law Societies of the Cape and Northern Provinces.

Our Rankings

Chambers and Partners (2011) ranked the practice group as band 1 – The practice is commended for its rounded approach to cases, with clients rating its *“depth of experience,”* and peers saying: *“I would refer clients to Bowman - Bowman is worthy of the top band.”*

Chambers Global Guide (yearbook 2010) ranked the practice group in the first division of South African competition (anti-trust) firms – specific partners were rated as:

Jean Meijer rated as Band 1
“excellent practitioner and great team leader”

Derek Lotter rated as Band 2
“determined and impressive style”

Robert Legh rated as Band 2
“an expert in the field”

DealMakers Awards (2010) awarded the practice group competition law firm of the year

Global Competition Review Top 100 (2010) ranked the practice group as “ELITE”

International Who’s Who of Competition Lawyers and Economists (2010) lists 3 of our practice group members, Derek Lotter, Jean Meijer and Robert Legh

PLC (Practice Law Company) Which Lawyer (yearbook 2010) ranked the practice group as a “leading” firm in South African competition (anti-trust) law - leading lawyers identified by PLC are:

Jean Meijer
Derek Lotter
Robert Legh
Lulama Mtanga



Our significant skills and talent go a long way to winning the race.



Our Areas of Practice

The practice group offers a wide range of services to clients, these include:

Merger control

We have handled mergers in many industries, including banking, healthcare, mining, motor vehicle, information technology and telecommunications, packaging, freight forwarding and logistics, arms, steel and scrap metal, food and beverages, asphalt, security and commercial property. We've also succeeded in obtaining merger clearances in opposed merger proceedings and hostile take-overs.

We have also assisted with assessing whether merger notifications are required in other African countries and preparing and filing mergers in circumstances where notifications are required, working closely with local counsel and regulators in these countries.

Behavioural work

We're involved in almost all of the high-profile behavioural cases before the competition authorities that relate to cartels, abuse of dominance and other prohibited practices, interim relief proceedings, appeals, exemptions, leniency applications and consent orders.

Advisory work

We advise on a range of competition law issues including the implications of commercial agreements, joint ventures and strategic alliances.

Compliance

We are currently involved in numerous ongoing and successful compliance programmes and policies.

Legislation

We have been actively involved in advising clients on legislative changes contained in the Competition Amendment Act and preparing a possible challenge to the constitutionality of certain provisions of the Competition Amendment Act.

Our Clients and Recent Matters

Merger control

We've handled mergers for a number of clients including:

Arkema S.A.: Acted for Arkema S.A.'s (a global chemical company listed on the Paris Stock Exchange) proposed acquisition of the coatings resins and photocures resins business of Total's specialty chemicals activities.

Companhia Siderurgica Nacional ("CSN"): Brazilian steelmaker, CNS, launched a public take-over bid for the acquisition of the entire share capital of international cement group, Cimentos de Portugal, SGPS, S.A. The transaction was a hostile take-over and CSN's bid ultimately failed, although regulatory clearances were provided in Europe, South Africa and Turkey.

Fiat S.P.A.: Acted for Fiat on the acquisition of Chrysler equity from Canada and the U.S. Department of the Treasury.

Kansai Paint Co. Ltd: Acted for Kansai in a hostile take-over of Freeworld Coatings Ltd.

Behavioural work

We have been involved in many behavioural cases for clients including:

Cape Gate: Advising in relation to alleged cartel activity before the competition authorities.

Foodcorp: Preparing successful leniency applications and assisting in relation to alleged cartel activity before the competition authorities.

Murray & Roberts: Advising in relation to alleged cartel activity before the competition authorities.

Nestlé: Advising in relation to alleged cartel activity before the competition authorities.

Pretoria Portland Cement: Providing advice following a dawn raid investigation by the Competition Commission and preparing a successful leniency application.

SABMiller: Advising in litigation regarding the use of appointed distributors in exclusive territories.

Sasol: Preparing leniency applications, preparing a defence against the competition authorities in relation to allegations of collusion, preparing advice in consent order proceedings with the competition authorities.

Standard Bank: Advising on the implications of the findings of the Banking Enquiry.

Advisory work

We provide general competition law advice to a number of clients including:

Aberdare

Afrox

Anglo Platinum

BHP Billiton

British Airways

Cape Gate

Chrysler

Illovo Sugar

Merck / MSD

Murray & Roberts

Netstar

Sasol

Standard Bank

Trade Law Overview

The practice group also provides comprehensive trade law advice and representation to local industries and enterprises, industry associations and governmental bodies, as well as to exporters from and importers into South Africa.

We have advised various sectors including steel, motor vehicles, beverages, paper, tobacco, automotive glass, agricultural, packaging, armaments and plastics. The unit is focused on South African trade law as regulated by South Africa's international obligations, including those emanating from the World Trade Organisation (WTO), the International Trade Administration Act and the South African Customs Union Agreement.

Representation in anti-dumping and anti-subsidy (countervailing) investigations and safeguard measures are core areas of specialisation within the group. We also advise on key trade issues of rules of origin, customs, classification and valuation of goods. Since South Africa's bilateral and multilateral trade relations are numerous and complex, advice also extends to all preferential trade arrangements such as the SADC, SACU and the EU/SA trade agreements, as well as autonomous arrangements such as the Generalised System of Preferences, AGOA and the Cotonou Agreement.

Our Team

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