



## Niels C. Ersbøll

Associate

Niels Ersbøll is a member of the firm's European competition practice in Brussels. His practice encompasses advice and representation before EU and national antitrust agencies on merger control, abusive conduct, price fixing, and other restrictive practices and state aid, as well as advising clients on competition policy issues in the context of proposed legislation. He has particular experience from dealing with matters relating to maritime transport, pharmaceutical products, medical equipment and tobacco products. In addition, Niels Ersbøll advises clients on EU regulatory issues, in particular in relation to chemical, pharmaceutical and tobacco products, and other aspects of EU law such as the importation and free movement of products. Mr. Ersbøll is fluent in English, French, and Danish. He also has knowledge of Dutch, Norwegian and Swedish.

### Representative Matters

- Pfizer in its acquisition of certain animal health businesses from Schering-Plough following Commitments offered in the Schering-Plough/Organon BioSciences transaction. Advised on Pfizer's approval as purchaser under the Commitments, referral of jurisdiction from several Member States to the European Commission, and notification and clearance by the European Commission.
- Kraft in its acquisition of Danone Biscuits. Heavily involved in the notification and clearance from the EU. Handling multiple national filings.
- Boston Scientific in its acquisition of Guidant. Heavily involved in the notification to and clearance from the EU. Advising on and coordinating the notification and clearance in multiple national jurisdictions world-wide.
- NBC Universal in its establishment of a joint venture with NewsCorp/Fox. Filing and obtaining clearance from the European Commission.

#### Contact Information

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#### Practice Areas

Antitrust/Competition and  
Consumer Protection  
FDA and Healthcare

#### Education

MA, Copenhagen University,  
2000

Socrates Diploma, European  
Law, University of Brussels  
(ULB), Belgium, 2000

Erasmus Diploma, European  
Law, University of Leuven  
(KUL), Belgium, 1999

MB, Copenhagen University,  
1998

#### Admissions

Brussels, Belgium  
Denmark

- GE Energy and Hitachi in their establishment of a strategic alliance in the field of nuclear energy. Advising on and coordinating notification and clearance in multiple national jurisdictions worldwide.
- Hitachi in its acquisition of Clarion, in particular coordinating merger filings in multiple jurisdictions and securing clearance.
- Cisco in its acquisition of Scientific-Atlanta. Assisting in the notification to the EU, in particular in relation to the referral process from Member States to the European Commission, and in obtaining clearance in the EU.
- SBC in its acquisition of AT&T. Advising on and coordinating the merger and regulatory notification and clearance in multiple jurisdictions world-wide.
- Several international shipping companies in relation to advice on the application of Article 81 and 82 EC to pool agreements and in representations before the European Commission's Directorate General for Competition. Conducting detailed review and analysis of pool agreements and advising on strategy. Representing the clients before the European Commission.
- ECSA - European Community Shipowners' Associations in its representations before the European Commission's Directorate General for Competition in connection with the review of the application of EC competition law to shipping pools. Advising on strategy and submissions to the European Commission.
- A large international pharmaceutical company in detailed advice on setting up and managing a supply quota system.
- Organising anti-trust compliance seminars and training for multiple companies.
- Extensive advice to trade associations in the field of human vaccines regarding anti-trust compliance.
- Advising chemical substances manufacturers and users of chemical substances on the implications of REACH.
- A national railway company in detailed advice on compliance with EU state aid law of a compensation scheme for public service obligations.

### **Professional and Community Activities**

- Member of the Board of the European Maritime Law Organisation (EMLO)

### **Books**

- Ian Kirby, Rochelle Mello, Jeremy Willcocks and Niels Christian Ersbøll. "Country Q&A UK (England & Wales): Overview Of Main IPRS" *Practical Law Company's IP in Business Transactions Handbook* 2008/2009.

## Articles

- Lawrence E. Cullen, Niels Christian Ersbøll and Susan Hinchliffe. "REACH: Preparing for Implementation" ABA Pesticides, Chemical Regulation, and Right-to-Know Committee Newsletter, January 2007.
- Niels Christian Ersbøll. "EU Transportation: Coordination in Maritime Mergers and Strategic Alliances" The European Antitrust Review. [Reproduced with permission from *Law Business Research*. This article was first published in the October 2005 Issue.] 2006.
- Niels Christian Ersbøll. "EU Transportation" The European Antitrust Review 2005.
- Niels Christian Ersbøll. "The European Commission's enforcement powers: An Analysis of the Exclusion of Tramp Vessel Services from Regulation 4056/86 and Regulation 1/2003" European Competition Law Review, 2003.
- Niels Christian Ersbøll. "Commitments under the Merger Regulation" European Competition Law Review, 2001.

## Presentations

- Niels Christian Ersbøll. "Practical application of the Guidelines - Applying competition law to shipping in the new regime" EMLO 13<sup>th</sup> Annual Conference, 19 October 2007.
- Niels Christian Ersbøll. "Maritime transport & competition law" EMLO and The Baltic Exchange Conference, 27 June 2007.
- Niels Christian Ersbøll. "Understanding the tramp shipping sector - Making the transition to full enforcement" EU Shipping at Crossroads - EMLO 12<sup>th</sup> Annual Conference, Brussels, 13 October 2006.

## Client Advisories

- "*Schneider Electric v Commission* - The European Court of First Instance Breaks Ground In Relation To Damages In Merger Cases." Jul. 2007.
- "Tetra Laval/Sidel -- The European Court of Justice Clarifies the Standard of Proof and the Role of Behavioural Commitments in Merger Cases." Feb. 2005.
- "Restrictions of Supply by an Allegedly Dominant Pharmaceutical Manufacturer--Do They Infringe EU Antitrust Law?." Oct. 2004.
- "Restrictions of Supply by an Allegedly Dominant Pharmaceutical Manufacturer." Oct. 2004.
- "The European Commission Partly Abolishes State Aid Granted To Ryanair." Feb. 2004.