WHITE & CASE

Mark D. Powell
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Bars and Courts

Solicitor of England and Wales, 1989

Brussels Bar (E list), 1998

Education

Final Diploma in Portuguese Language and Literature, University of Coimbra, 1987

Professional Practising Certificate, College of Law, Chester, 1985

LLB, University of Lancaster, with Honours, 1983

Awards and Recognition

2012 Antitrust Writing Awards -- Best Business Anticompetitive Practices Article, Institute of Competition Law

Languages

English

French

Portuguese

Citizenship

British

Practice Experience

Mark Powell is the Executive Partner of the Brussels office. He has been advising on a broad range of competition law issues for nearly twenty-five years, with a particular focus on the interface between competition law and sector-specific regulatory requirements in areas such as telecommunications, pharmaceuticals, energy, the media and transport.

Mr. Powell also handles the regulatory clearance of complex mergers and acquisitions. Recent examples include *Acergy/Subsea7*, *HBO/Ziggo*, *Sanofi-Aventis/Zentiva*, and *Aegean/Olympic II*—which resulted in the European Commission clearing the deal in a Phase II proceeding, which was the first time that the Commission cleared a merger after it had previously prohibited it. He also represents and advises clients involved in cartel investigations (including nucleotides, synthetic rubber, candle wax, calcium carbide, power cables).

Mark Powell is now also an active member of the London practice and has been advising on UK market investigation and merger cases.

Recent court cases in which Mr. Powell has been involved include:

- *Kaučuk/Unipetrol v Commission* in cases T-44/07 and T-45/07 regarding the application for annulment of the Commission decision finding Kaučuk liable for the BR/ESBR cartel infringement and imposing a fine of €17.55 million. In July 2011, the General Court annulled the European Commission's infringement decision against the companies, and overturned in their entirety the fines imposed on them.

- *Nexans France v Commission* in case T-135/09 regarding the application for annulment of a Commission Dawn Raid Decision adopted in the context of an ongoing proceeding pursuant to Article 101 EC concerning the European market for electric cable and related equipment.

- *Garantovana v Commission* in case T-392/09 regarding the application for annulment and suspension of operation of the Commission's calcium carbide cartel decision. In this case, he successfully obtained interim measures from the General Court.

- *Budapesti Erömü Rt., Hungary (BERt) v Commission* in joined cases T-80/06 and T-182/09 regarding the application for the annulment of the Commission State aid decision with regard to power purchase agreements (PPAs) concluded between network operator MVM and the Hungarian State and certain electricity producers.

- *Microsoft v Commission* in cases T-271/06, T-209/06, T-313/05 and T-201/04 regarding the application for annulment of Commission Decision finding infringements of Article 82 EC. In this case, he

focused on the IP aspects of the case.

- *UPC France Holding BV v Commission* in case T-376/05 regarding the application for the annulment of the Commission decision providing that the public funding of a broadband network in the Limousin region does not contain any element to State aids (subsequently withdrawn).

- *Nintendo v Commission* in case T-13/03 regarding the application for cancellation or reduction of the amount of the fine imposed on the applicants by Article 3, first indent, of Commission Decision 2003/675/EC of 30 October 2002 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement.

Mark has also been involved in some of the leading abuse of dominance cases, including Rambus, Magill, IPCom and IMS Health.

Recent articles include:

- *The synthetic rubber cartel – The European Commission's factual assessment is spotlighted* – Competition Law Insight

- *Recent EU Antitrust Investigations into Financial Services – What is the scope for antitrust intervention?* (CPI Antitrust Chronicle)

- *AG Sharpston voices opinion on the standard of judicial review over fines in cartel cases* – White & Case – Winner of the "Best Business Anticompetitive Practices Article – 2012 Antitrust Writing Awards" (Institute of Competition Law)

- Getting the Deal Through – Intellectual Property & Antitrust – "the European Union" chapter

- Competition Laws Outside the United States – "the European Union" chapter

- *EU-competition rules apply in full to conduct of dominant companies in regulated industries: lessons from judgment of European Court of Justice in Deutsche Telekom case* (EuroWatch)

- *Director disqualification as a complement to EU antitrust fines: towards a more balanced sanctions policy* (CPI Antitrust Journal)

- *Legal privilege for in-house lawyers in EU competition investigation: the end of the road?* (Commercial Litigation Journal)

Clients described Mr. Powell to Chambers as "a charismatic lawyer with terrific business sense", "practical and savvy", an "enjoyable, hard-working and client-friendly" competition specialist who "takes a case and

makes it his own. He doesn't just do the basic plumbing work but the complicated, architectural design too". His abilities were singled out for recognition in the first edition of Euromoney's "Expert Guide to the World's Leading Competition and Antitrust Lawyers". With regard to Legal 500, clients single out Mark Powell for praise: "Very knowledgeable with a pragmatic and commercial approach", "his convincing style and self-confidence make us feel comfortable. His personal style is very persuasive". He is frequently asked to speak at conferences on matters relating to his practice areas.