



Philippe Noguès

Counsel

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Philippe Noguès is a highly skilled lawyer specializing in antitrust and competition matters, with extensive experience working in Brussels and Europe. The scope of Philippe's practice is considerable, though his general areas of focus are EU and French competition law.

Philippe advises clients across of a variety of fields, including mergers and acquisitions, anti-competitive agreements, concerted practices, and the abuse of dominant position in the airline, energy, mineral, automotive, chemical, and pharmaceutical industries.

Some of his most recent work includes obtaining unconditional clearance for Precision Castparts Corp. (PCC) in the EC with respect to its acquisition of Titanium Metals Corporation. This transaction was valued at US\$2.9 billion. The EC examined complex issues regarding the vertical integration aspects of the transaction, focusing on PCC's downstream activities as a producer of titanium-based casted and forged products and Titanium Metals' upstream activities as a producer of titanium alloys.

Philippe also represented **Western Digital Corporation** in the EC and nine other jurisdictions worldwide with respect to its acquisition of Hitachi Global Storage Technologies Holdings Ltd. This transaction was valued at approximately US\$4.3 billion and created one of the largest global market players in the hard disk drive sector.

Philippe also successfully represented **Coller Capital** on its agreement with Crédit Agricole S.A. for Coller's acquisition of the bank's private equity manager, Crédit Agricole Private Equity

Admissions

Bar Admissions

France, Avocat à la Cour

Belgium, Avocat

Education

Institute of European Studies,
Brussels, LL.M.: with distinction

University of Nice, Master of
International Economic Law

(CAPE), together with substantially all of Crédit Agricole's remaining investments in the funds managed by CAPE.

Philippe successfully represented **Northwest Airlines** in obtaining Phase I EC clearance without remedies or conditions in its merger with Delta Air Lines.

Philippe frequently contributes articles related to European and French antitrust and competition issues, which are regularly published in *Global Competition Review*. Philippe has authored the second and third editions of the EU Merger Control chapter of the Corporate and Acquisitions and Mergers publication published by Wolters Kluwer.

Philippe's past accomplishments and continuing successes can be attributed to his passion and dedication to pursuing his clients' causes.

Experience

Merger Control

- Representing Precision Castparts in its acquisition of Titanium Metals.
- Representing Northwest Airlines in the US\$3.7 billion merger with Delta Air Lines creating the largest airline worldwide
- Representing Western Digital Corporation in securing merger control clearances in the EU, the US and 8 national antitrust authorities with respect to its US\$4.3 billion acquisition of Hitachi Global Storage Technologies Holdings Ltd. in the field of hard disk drives
- Representing Honeywell International Inc. in securing merger control clearances for its US\$1.4 billion public takeover of French listed firm Sperian Protection
- Advising a leading pharmaceutical company's animal health division in relation to potential acquisitions in the overall animal health sector and in the field of aquaculture
- Representing Collier Capital Inc. in securing merger control clearances with respect to the acquisition of a number of portfolio companies from Bank of Scotland Integrated Finance
- Representing Advanced Micro Devices in relation to the creation of a joint venture with Advanced Technology Investment Company, a technology investment company wholly owned by the government of the Emirate of Abu Dhabi in the United Arab Emirates
- Representing Johnson & Johnson in relation to its acquisition of Guidant
- Representing Saint-Gobain in relation to its hostile takeover bid over BPB Plc.
- Representing Vector Capital in relation to its US\$160 million buyout of Aladdin Knowledge Systems, Ltd., an Israeli maker of information security products

Cartels

- Obtaining the acquittal of Firma Léon van Parys of all charges in the EC banana cartel investigation following dawn raids in 2005 and extensive follow-up inquiries prior to the laying of formal charges in mid 2007
- Representing a global producer of fertilizers before the European Commission in relation to alleged infringements to Article 101 EC
- Representing a global manufacturer of consumer goods before the European Commission and national competition authorities in relation to alleged infringements to Article 101 EC

- Successfully representing a defendant in the animal feed price fixing and market sharing case
- Assisting clients with respect to their cooperation agreements with competitors and other third parties.
- Assisting clients in the preparation of their immunity and leniency applications and carrying out internal training on antitrust investigations and antitrust compliance

Abuse of Dominance

- Representing a major global producer of consumer electronics products before the European Commission in relation to Article 102 issues.
- Representing Advanced Micro Devices in its Article 102 complaint against Intel, in which the European Commission recently fined Intel a record €1.06 billion (US\$1.44 billion) for its anti-competitive practices. This is the largest ever fine imposed by an antitrust regulator. In November 2009, all of AMD's antitrust claims were settled, securing AMD US\$1.25 billion and wide-ranging injunctive relief

Professional Activities

Member

- Brussels Bar; Paris Bar

Author

- "EU Merger Control", Chapter of the Corporate and Acquisitions and Mergers (Wolters Kluwer, 2010 and 2014)
- "The New French Competition Authority," Antitrust and Competition Alert (March 2009)
- "Marine Hose Cartel - Back in the Spotlight," Antitrust and Competition Alert (March 2009)

Co-Author

- "France Issues Guidance on Antitrust Compliance and Settlements", O'Melveny Antitrust and Competition Alert (February 2012)
- "Commission Confirms Strict Approach to Seal-Breaches, but Cooperation with the Authorities Counts," Antitrust and Competition Alert (September 2011)
- "EC Merger Control," chapter for Corporate Acquisitions and Mergers, published by Wolters Kluwer *Law and Business* (2009, 2010)
- "Developments in International Cartel Enforcement and Leniency Agreements: 2008 to 2009," Antitrust Review of the Americas 2010, published by *Global Competition Review* (2009)
- "Towards a European Energy Community?," European Antitrust Review 2010, published by *Global Competition Review* (2009)
- "Alitalia - Government Interventionism, the Road to Recovery?" *Competition Policy International* (2009)
- "Developments in International Leniency Agreements: 2007 to 2008," *The Antitrust Review of the Americas 2009*, published by *Global Competition Review* (2008)
- "A New Energy Era in the European Union," *European Antitrust Review 2009*, published by *Global Competition Review* (2008)
- "EC Merger Control," *C.J. Cook and C.S. Kerse*, Fifth Edition

Languages

- English
- French