



## Pierre Kirch

Partner, Litigation Department  
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**Pierre Kirch** is a partner in the Litigation Department of Paul Hastings and divides his time between the firm's offices in Paris and Brussels. He is a member of the firm's worldwide antitrust and competition practice group. He focuses on the whole of EU and French competition/antitrust law, and in its advisory and litigation aspects—which he has practiced for more than 30 years—as well as commercial litigation representation, including ICC and ad hoc arbitration and alternative dispute resolution (Pierre Kirch is a certified mediator with CEDR—Center of Effective Dispute Resolution, London), and general and strategic corporate advice.

### Recent Representations

Over the years Pierre, with his team of lawyers, has prepared, filed and negotiated many dozens of merger control notifications before the European Commission in Brussels and the French Competition Authority. He also has experience in multi-jurisdictional merger control cases and, following the massive introduction of new merger control regimes in recent years, has directed and coordinated many multiple filings with competition authorities in jurisdictions throughout the world. In recent years, he has advised on, notified and negotiated merger control notifications on behalf of a wide variety of financial and industrial organizations such as **Samsung, Dole, Starwood Capital Group, Société Générale, Teleperformance, Benson Elliot Capital Management, Abry Partners, Astorg Partners, Crédit Agricole Private Equity, NJJ Telecom, Crédit Mutuel Group, Provalliance, Bull SA, Sodexo, Chinese Overseas Shipping Co (“COSCO”), Hachette, Deloitte France, Toshiba, Yamaha**, etc. As an example of a recent "Phase II representation," he represented Samsung Electronics in EU and worldwide merger control procedures in the \$1.4 billion acquisition by Seagate of Samsung's hard-disk drive business, with obtention of unconditional Phase II merger control clearance by the European Commission as well as clearance worldwide in some 15 other jurisdictions (this case was selected as *GCR* magazine's competition/antitrust matter of the year in 2012).

### Paris

T: 33-1-42-99-04-23  
F: 33-1-78-40-46-23

### Brussels

T: 32-2-641-74-60

### Practice Areas

Litigation  
Technology  
Europe  
Antitrust and Competition  
International Arbitration

### Admissions

Brussels  
Paris

### Languages

English  
French  
German  
Italian

### Education

Dartmouth College, B.A. 1979  
Law Studies University, Paris,  
Maitrise 1987

## Pierre Kirch (Continued)

More recently, in February 2016, Pierre and his team obtained EU Phase I clearance of Samsung's acquisition of Harman International in an \$8 billion deal and in 2018 EU Phase I clearance, with remedies, of Dole's joint venture with Total Produce.

Pierre is an accomplished litigator. He recently obtained on behalf of UTi Worldwide, Inc, partial annulment of a negative decision of the European Commission, in the 'freight-forwarders' antitrust case (Case T-264/12 General Court ruling in 2016). Over a number of years, he successfully represented Lenovo in a series of antitrust complaints brought by consumers throughout France concerning alleged 'tying' of pre-installed computer programmes, ultimately winning all of the cases and thus staving off this threat to Lenovo's business model.

Pierre is also a dedicated pro bono practitioner. Recently, he argued three cases on behalf of ClientEarth, the London-based environmental defence NGO, in lawsuits brought against the European Commission and other European institutions and agencies for violation of EU transparency rules, before the Court of Justice of the European Union in Luxembourg, and won all or part of all three. For another pro bono client, the Paris-based NGO Reporters without Borders, Pierre headed an international team of lawyers which researched and drafted the *Defence Handbook for Journalists and Bloggers*. This pro bono project received the Thomson Reuters TrustLaw Foundation Collaboration Award presented in London in September 2015 and the Paris Bar's Pro Bono Team award presented in Paris in October 2015.

Pierre joined Paul Hastings in 2004 from its predecessor firm in Paris and Brussels, Moquet Borde & Associés, where he was a partner. He is a member of the Paris and Brussels Bars. He is honorary president of the Dartmouth Club of France. Pierre was educated in the United States, at Dartmouth, and in France, at the law schools of the Universities of Paris I and II.

### Accolades and Recognitions

- Recognition over the years as a leading individual practitioner in the competition / antitrust field for France by publications such as Chambers Global, Who's Who Legal: The International Who'sWho of Business Lawyers, Guide to the World's Leading Competition and Antitrust Lawyers, Legal 500 EMEA and the French review, *Décideurs Stratégie Finance*, *Droit (Annuaire)*.

### Speaking Engagements and Publications

## Pierre Kirch (Continued)

- Frequent speaker and writer on EU and competition law issues in various fora in Europe and in the United States.
- Since 2018, lecturer in joint international Master's program (Catholic University of Paris / St. Mary's University London)—course on “Multidisciplinary Approach to a Law of Artificial Intelligence”
- Since 2013, he has presided over the annual International Global Merger Control Round Table organized by the legal journal *Concurrences* and Paul Hastings in Paris.
- In March 2013, panelist at the first annual symposium of the China Institute of International Antitrust and Investment in Beijing.
- Twice appointed (2008/2010) a faculty member at the biannual International Cartel Workshop, bringing together regulators and leading practitioners from all over the world and co-sponsored by the ABA Section of Antitrust Law and International Bar Association.
- Contributions to scholarly publications such as *European Competition Law: A Guide to the EC and its Member States* (LexisNexis / Matthew Bender; chapter on France), *Merger Control in Europe* (Kluwers Law International; chapter on France), *Droit européen des affaires* (co-author, Dunod), *Economic Analysis of State Aid Rules: Contributions and Limits* (co-author, Lexxion).
- Co-author (with Professor George Bermann of Columbia Law School), of *French Business Law in Translation* (Jurispublishing, 2nd ed.).

### Professional and Community Involvement

- Since 2018, lecturer in joint international Master's program (Catholic University of Paris / St. Mary's University London)—course on “Multidisciplinary Approach to a Law of Artificial Intelligence”
- Advisor to President and Board of Trustees of London-based NGO, ClientEarth, and Chairman of its Litigation Review Committee (pro bono)
- Honorary president of the Dartmouth Club of France
- Former lecturer in EU competition law at leading French business schools, Hautes Etudes Commerciales (HEC) and ESCP-EAP (executive MBA)

### Education

- Free University of Brussels (ULB), Postgraduate diploma in International Economic Law (2006)
- University of Paris Law School (Paris I and Paris II), 1987 (DEA (Advanced degree) 1988)
- Dartmouth, B.A., 1979

### News

## **Pierre Kirch** (Continued)

**August 20, 2019**

Jacobs to Acquire Wood's Nuclear Business

**May 14, 2019**

Oakley Capital Acquires Seagull and Videotel

**May 13, 2019**

Salt Sells Phone Towers to Cellnex for €0.7 Billion

**May 01, 2019**

Oakley Capital Invests in Spanish Digital Insurance Brokers

**July 17, 2018**

Abry Partners II Sells Basefarm Holding to Orange

**July 16, 2018**

Monaco Telecom to acquire MTN Cyprus

**July 02, 2018**

Funds Managed by Abry Partners II, LLC Acquire Link Mobility Group ASA

**June 14, 2018**

Teleperformance Announces Acquisition of Intelenet from Blackstone

**June 14, 2018**

CDH Investments to Acquire Sirtex for US\$1.4 Billion

**December 20, 2017**

Xavier Niel-led Consortium to Acquire Ireland's eir

**September 07, 2017**

MSD to Acquire Therapeutics Pioneer Rigotec

**July 10, 2017**

COSCO SHIPPING Holdings' Proposed Acquisition of Orient Overseas

**November 15, 2016**

Samsung Electronics Acquires HARMAN for US\$8 Billion

**August 12, 2016**

China COSCO Shipping Completes Phase I Acquisition of Piraeus Port in

## **Pierre Kirch** (Continued)

Greece

**April 08, 2016**

COSCO Acquires Piraeus Port in Greece

**April 06, 2016**

DreamWorks Animation Sells 24.5% Equity Stake of AwesomenessTV To Verizon

**September 25, 2015**

Paul Hastings and Reporters Without Borders Win TrustLaw Collaboration Award

**July 29, 2015**

France's Nexter Systems Merges with Germany's KMW

**June 29, 2015**

Innovative Handbook Highlights International Laws Protecting Journalists' Rights to Freedom of Speech

**June 17, 2015**

Masonite to Sell Premdor France to Perceva

**January 05, 2015**

Paul Hastings Advises Hanwha Q CELLS in US\$1.2 Billion Sale to and Merger with Hanwha SolarOne

**September 10, 2014**

Paul Hastings Advises Publicis Group/ZenithOptimedia on Acquisition of Germany's AKM3

**July 18, 2014**

Paul Hastings Advises Indesit on €758 Million Acquisition of Controlling Stake by Whirlpool

**June 10, 2014**

Paul Hastings Advises Bull in connection with the €620 million takeover bid by Atos for Bull

**March 25, 2014**

Paul Hastings Advises Samsung Fine Chemicals and Samsung Electronics in

## **Pierre Kirch** (Continued)

Connection with SunEdison Semiconductor's IPO

### **February 17, 2014**

Paul Hastings Represents SMABTP in Connection with 300 Million Public Tender Offer for Société de la Tour Eiffel

### **September 16, 2013**

Paul Hastings Advises Coop Alsace on Sale of its 28 Hypermarkets and Supermarkets to giant retailer E. Leclerc

### **May 29, 2013**

Paul Hastings Represents Shuanghui International Holdings Limited in US \$7.1 Billion Acquisition of Smithfield Foods

### **December 05, 2012**

Paul Hastings Represents Bord na Mona PLC in Successful Defeat of Application for Strike Out of its Claim and Summary Judgment

### **July 19, 2012**

Paul Hastings Advises Samsung Electronics on its US\$310 Million Acquisition of Handset Connectivity and Location Development Operations from London-listed CSR

### **December 22, 2011**

Paul Hastings Represents Samsung Electronics in US\$1.4 Billion Sale of Hard Disk Drive Operations to Seagate Technology

### **May 31, 2008**

Paul Hastings Represents Reliance Globalcom in its Acquisition of Vanco Group

### **December 13, 2006**

Paul Hastings Earns Top Marks in Chambers 2007 Global Guide

## **Insights**

### **October 22, 2014**

European State Aid: A Trap for the Unwary Tax Director

### **August 11, 2011**

Plaintiffs in Pursuit

## **Pierre Kirch** (Continued)

**February 15, 2011**

Outlook for 2011 of Merger Control in the EU: First Prohibition Decision in More Than Three Years

**December 03, 2010**

New Rules Applicable to Distribution Agreements: A New Competition/Antitrust Challenge for Suppliers in the EU?

**February 11, 2010**

European M&A Risks: Potential Responsibility of the Chinese Purchaser for Prior Infringements

**November 13, 2009**

M&A Risks: The Potential Responsibility of the Purchaser for Prior Infringements

**August 04, 2008**

China Matters: Chinas New Merger Notification Rules: What Does This Mean to International Investors?

**April 16, 2007**

Record EU Cartel Fines in Q1 2007 Highlight Issue of In-House Prevention: The Pitfalls of Confidential Information Exchanges Between Competitors "In Good Company"

**November 10, 2004**

What Multinationals Need to Know About the EUs New Company Form (The Societas Europaeae or SE)

**September 09, 2004**

The Impact of the EUS Newly-Adopted Polluter Pays Environmental Legislation: Learning from the U.S. Experience

**July 23, 2004**

A Practical Guide to the New EU Merger Control Rules (Effective May 1, 2004)

## **Rankings & Awards**

**June 14, 2019**

"M&A Team of the Year" and "Private Equity Team of the Year"

## **Pierre Kirch** (Continued)

**September 25, 2015**

Paul Hastings and Reporters Without Borders Win TrustLaw Collaboration  
Award

**March 27, 2012**

GCR Awards 2012